

KANSAS REGISTER

State of Kansas

BILL GRAVES
Secretary of State

Vol. 8, No. 37

September 14, 1989

Pages 1341-1370

IN THIS ISSUE . . .

Page

Attorney General	
Opinions No. 89-109 through 89-113.....	1342
Legislative Interim Committee Schedule	1343
Kansas Water Office	
Notice of Hearing.....	1344
Executive Appointments	1344
Kansas Water Authority	
Notice of Meeting Cancellation.....	1345
Kansas Real Estate Commission	
Notice of Hearing on Proposed Administrative Regulations	1345
Wichita State University	
Notices to Bidders.....	1345
State Conservation Commission	
Notice to Contractors.....	1345
Department of Commerce	
Notice Concerning Kansas Small Cities CDBG Program	1346
Department of Health and Environment	
Notice Concerning Kansas Water Pollution Control Permits	1346
Advisory Committee on Hispanic Affairs	
Notice of Meeting	1347
Kansas Commission on Disability Concerns	
Notice of Meeting	1347
Notice to Bidders for State Purchases	1347
Notice of Bond Redemption	
City of Kansas City.....	1348
Reno County	1349
Johnson County	1350
City of Osage City.....	1351
Notice of Bond Sale	
City of Olathe.....	1351
City of Merriam	1352
City of Auburn.....	1354
Permanent Administrative Regulations	
Department of Wildlife and Parks.....	1356
Department of Education	1361
State Board of Indigents' Defense Services	1366
Index to Administrative Regulations	1368

State of Kansas

ATTORNEY GENERAL

Opinion No. 89-109

Cities and Municipalities—Miscellaneous Provisions—Investment of Public Moneys by Governmental Subdivisions, Units and Entities. Harold T. Walker, Kansas City City Attorney, Kansas City, August 31, 1989.

In our opinion, a multi-year investment of idle funds, under conditions enumerated herein, is permissible under the provisions of K.S.A. 1988 Supp. 12-1675, as amended by L. 1989, ch. 48, §66. Cited herein: K.S.A. 10-1113; K.S.A. 1988 Supp. 12-1675; 12-1676; K.S.A. 79-2927; 79-2934; L. 1989, ch. 48, §66; L. 1989, ch. 295, §1. TRH

Opinion No. 89-110

Waters and Watercourses—Water Transfers—Applicability of Water Transfers Act to Water Assurance Districts. Joseph F. Harkins, Director, Kansas Water Office, Topeka, September 1, 1989.

Release by the state of assurance waters out of the conservation storage water supply capacity of a federal reservoir does not constitute a transfer of water subject to the water transfers act. Cited herein: K.S.A. 1988 Supp. 82a-1330; 82a-1331; 82a-1332; 82a-1335; 82a-1345; K.S.A. 82a-1501; 82a-1502; K.S.A. 1988 Supp. 82a-1503, as amended by L. 1988, Ch. 356, §351. RLN

Opinion No. 89-111

Constitution of the United States—Amendment Fourteen—Due Process Clause. Robert J. Watson, Overland Park City Attorney, Overland Park, September 6, 1989.

Property seized from a pawnbroker and held by law enforcement officials for use as evidence in a criminal proceeding is regarded as being in *custodia legis* and subject to the court's order as to the disposition thereof in the same proceeding. If the property is identified as being stolen, it is the duty of the court and the state to see that the property is restored to its rightful owner at

the earliest opportunity. However, the due process rights of the pawnbroker must be respected, *Wolfenbarger v. Williams*, 774 F.2d 358 (10th Cir. 1985), and the court should provide the pawnbroker with notice and opportunity to be heard before releasing property to the apparent owner. Cited herein: K.S.A. 1988 Supp. 22-2512. TRH

Opinion No. 89-112

Insurance—Prepaid Legal and Dental Service Plans—Definitions; Prepaid Service Plan. Pamela Scott, Chief Attorney, Kansas Insurance Department, Topeka, September 6, 1989.

An organization that collects a periodic fee on a prepaid basis in return for a promise to provide selected dental services in the future at no charge or at a discount must conform to the requirements of the prepaid legal and dental service plans act, unless exempted by statute. Cited herein: K.S.A. 1988 Supp. 40-4201; 40-4203; 40-4207; 40-4209; 40-4211, as amended by L. 1989, ch. 145, §1; 1987 House Bill No. 2564. MWS

Opinion No. 89-113

Criminal Procedure—Conditions of Release—Release Prior to Trial; Exoneration; Appearance Bonds. Senator B. D. Kanan, 5th District, Kansas City, September 6, 1989.

The purpose of an appearance bond is to assure the presence of persons accused of crimes at the time and place of the trial. The purpose of the appearance bond is deemed fulfilled when the accused appears for a hearing and a verdict is announced. Unless an agreement states otherwise, an appearance bond cannot be retained to insure completion of programs imposed by the court or payment of fines assessed against the defendant. Cited herein: K.S.A. 22-2202, 22-2208, 22-2802. RDS

ROBERT T. STEPHAN
Attorney General

Doc. No. 008298

The *Kansas Register* (ISSN No. 0744-2254) is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The *Kansas Register* is published weekly by the Kansas Secretary of State, State Capitol, Topeka, KS 66612-1594. One-year subscriptions are \$60 (Kansas residents must include \$3.15 state and local sales tax). Single copies may be purchased, if available, for \$2 each. Second class postage paid at Topeka, KS.

Postmaster. Send change of address form to *Kansas Register*, Secretary of State, State Capitol, Topeka, KS 66612-1594.

© Kansas Secretary of State 1989. Reproduction of this publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

PUBLISHED BY
Bill Graves
Secretary of State
2nd Floor, State Capitol
Topeka, KS 66612-1594



Phone: (913) 296-3489

State of Kansas

LEGISLATURE

INTERIM COMMITTEE SCHEDULE

The following committee meetings have been scheduled during the period of September 18 through October 1:

Date	Room	Time	Committee	Agenda
September 18	526-S	10:00 a.m.	Special Committee on	18th: Hearings on Proposal No. 19—
September 19	526-S	9:00 a.m.	Energy and Natural Resources	State Water Plan Funding. 19th: Hearings on Proposal No. 19— Underground Storage Tanks.
September 18	514-S	10:00 a.m.	Special Committee on	18th: Hearings on Proposal No. 50—
September 19	514-S	9:00 a.m.	Ways and Means/ Appropriations	Computer Oversight. 19th: Hearings on Proposal No. 52— KanWork.
September 18	522-S	10:00 a.m.	Legislative Educational	Agenda unavailable.
September 19	522-S	9:00 a.m.	Planning Committee	
September 19	123-S	9:00 a.m.	Special Committee on	19th: Hearings on Proposal No. 24—
September 20	123-S	9:00 a.m.	Federal and State Affairs/ Governmental Organization	Legislature—Structural Improvements. 20th: Discussion of Proposal No. 28— Parimutuel Wagering.
September 21	519-S	10:00 a.m.	Special Committee on	21st: Hearings on Proposal No. 7—
September 22	519-S	9:00 a.m.	Agriculture and Livestock	Organic Farming. 22nd: Proposal No. 4—Kansas Seed Law.
September 25	521-S	10:00 a.m.	Special Committee on	Agenda unavailable.
September 26	521-S	9:00 a.m.	Public Health and Welfare	
September 25	123-S	10:00 a.m.	Joint Committee on State	Agency presentations on FY 1991
September 26	123-S	9:00 a.m.	Building Construction	capital improvement projects—agencies to be announced.
September 28	514-S	10:00 a.m.	Special Committee on	Hearing on Proposal No. 33—Child
September 29	514-S	9:00 a.m.	Judiciary	Support and Child Custody.
September 28	423-S	10:00 a.m.	Joint Committee on Arts	Agenda unavailable.
September 29	423-S	9:00 a.m.	and Cultural Resources	
September 28	423-S	10:00 a.m.	Commission on Access to	Agenda unavailable.
September 29	423-S	9:00 a.m.	Services for the Medically Indigent and Homeless	

EMIL LUTZ
Director of Legislative
Administrative Services

Doc. No. 008300

State of Kansas

KANSAS WATER OFFICE**NOTICE OF HEARING**

The Kansas Water Office has scheduled a public hearing on the Kansas River Water Assurance District issue to be conducted at 9 a.m. Friday, October 20, in Room 313-S, State Capitol, Topeka. All groups and individuals with an interest and concern in this matter are encouraged to present their formal comments at this hearing.

For additional information contact the Kansas Water Office, 109 S.W. 9th, Suite 200, Topeka 66612-1215, (913) 296-3185.

JOSEPH F. HARKINS
Director

Doc. No. 008297

State of Kansas

SECRETARY OF STATE**EXECUTIVE APPOINTMENTS**

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office.

Complete listings of state agencies, boards and commissions are included in the *Kansas Directory*. County officials are listed in the *Directory of County Officers*. Both directories are published by the Secretary of State's office and are available free of charge.

The following appointments were filed August 16 through September 5:

Doniphan County Attorney

Alan Boeh, Route 1, Box 130, Wathena 66090. Effective August 7, 1989. Term expires when a successor is elected and qualifies according to law. Succeeds William McQuillan.

District Judge, 16th Judicial District, Position 1

Daniel L. Love, 2102 Memory Lane, Dodge City 67801. Effective August 24, 1989. Term expires when a successor is elected and qualifies according to law. Succeeds Don Smith.

Board of Barber Examiners

Francis Lee Madl, 7809 Floyd, Overland Park 66204. Effective August 4, 1989. Term expires July 31, 1992. Succeeds Jim Modin.

Children and Youth Advisory Committee

Carolyn Clevenger Kuhn, 2040 W. 12th Ave., Emporia 66801. Effective August 8, 1989. Term expires June 30, 1991. Succeeds Richard Peckham, resigned.

Ligia Pacquette, Route 3, Box 124A, Junction City 66441. Effective August 8, 1989. Term expires July 31, 1992. Succeeds Georgene Wade.

G. Joseph Pierron, 632 Wabash, Olathe 66061. Effective August 8, 1989. Term expires July 31, 1992. Succeeds SuEllen Fried.

State Board of Cosmetology

Kathy Dagenett, 8521 Lafayette, Kansas City 66109.

Effective August 1, 1989. Term expires July 1, 1990. Succeeds Joann Wisdom.

Winifred Flowers, 512 W. 12th, Coffeyville 67337. Effective August 1, 1989. Term expires July 1, 1991. Succeeds Lloyd Houk.

Eileen M. Hassett, 5308 W. 10th, #204, Topeka 66604. Effective August 1, 1989. Term expires July 1, 1990. Succeeds Ruth Stanley.

Lou Jay, 614 W. 8th, LaCrosse 67548. Effective August 1, 1989. Term expires July 1, 1992. Succeeds Joyce Galvin.

Joseph W. McConnell, 1152 Pershing, Wichita 67218. Effective August 1, 1989. Term expires July 1, 1992. Succeeds Violet Lemon.

Coordinating Council on Early Childhood Developmental Services

Denise Apt, Governor's Representative and Chairman, 810 Meadowbrook Road, Iola 66749. Effective August 4, 1989. Chairmanship term expires July 31, 1990.

Ann Davidson, 1404 Terrace Drive, Newton 67114. Effective August 4, 1989. Term expires July 31, 1993.

Modesto S. Gometz, 909 E. Centennial, Pittsburg 66762. Effective August 4, 1989. Term expires July 31, 1993.

Connie Grafel, Route 3, Oberlin 67749. Effective August 4, 1989. Term expires July 31, 1991.

Nanette Harris, Box 502, Lakin 67860. Effective August 4, 1989. Term expires July 31, 1991.

Nancy L. Peterson, 3013 Riverview Road, Lawrence 66044. Effective August 4, 1989. Term expires July 31, 1991.

Sharon Rosenkoetter, 204 W. Columbus, Lindsborg 67456. Effective August 4, 1989. Term expires July 31, 1991.

Marguerite B. Strange, 1502 Osage, Leavenworth 66048. Effective August 4, 1989. Term expires July 31, 1993.

Larry Wurtz, 104 N. Oak, Washington 66953. Effective August 4, 1989. Term expires July 31, 1993.

Secretary of Human Resources

Ray D. Siehndel, 221 DeSousa Ct., Topeka 66611. Effective August 16, 1989. Serves at the pleasure of the Governor. Subject to Senate confirmation. Succeeds Dennis Taylor, resigned.

Interstate Oil Compact Commission Legal Committee

Bruce B. Fitts, 400 N. Woodlawn, Wichita 67208. Effective August 16, 1989. Serves at the pleasure of the Governor.

BILL GRAVES
Secretary of State

State of Kansas

KANSAS WATER AUTHORITY**NOTICE OF MEETING CANCELLATION**

The September 26 and 27 meeting of the Kansas Water Authority scheduled for Garden City has been cancelled.

The October 25 meeting of the Kansas Water Authority will be conducted in Garden City instead of Hutchinson.

For further information contact Dorothy Kester, (913) 296-3185.

JOHN L. BALDWIN
Chairman

Doc. No. 008285

State of Kansas

WICHITA STATE UNIVERSITY**NOTICE TO BIDDERS**

Sealed bids for the following will be received by The Wichita State University, Office of Purchasing, 1845 N. Fairmount, 201 Jardine Hall, Wichita 67208-1595, until 2 p.m. C.D.T. on the date indicated and then will be publicly opened. Interested bidders may call (316) 689-3783 for additional information.

Monday, October 2, 1989

#0111-S

Plain Paper Copier

GARY D. LINK
Director of Purchasing

Doc. No. 008295

State of Kansas

WICHITA STATE UNIVERSITY**NOTICE TO BIDDERS**

Sealed bids for the following will be received by The Wichita State University, Office of Purchasing, 1845 N. Fairmount, 201 Jardine Hall, Wichita 67208-1595, until 2 p.m. C.D.T. on the date indicated and then will be publicly opened. Interested bidders may call (316) 689-3780 for additional information.

Friday, September 29, 1989

#0105-L

Remodel Chemistry Library,
McKinley Hall, Room 302

GARY D. LINK
Director of Purchasing

Doc. No. 008294

State of Kansas

STATE CONSERVATION COMMISSION**NOTICE TO CONTRACTORS**

Sealed bids for the construction of a 54,500 cubic yard detention dam, Site 2-1 in Coffey County, will be received by the Long-Scott Creek Watershed District No. 93 at the King Engineering, Inc. office, 125 W. 4th, Holton 66436, until 2 p.m. on October 3, or hand carried and submitted before bid opening at 7 p.m. at the Coffey County Courthouse, 110 S. 6th, Room 8 or Room 10, Burlington.

A copy of the invitation for bids and the plans and specifications can be obtained from King Engineering, Inc. office, (913) 364-4312, or the Soil Conservation Service field office, Coffey County Courthouse, Room 10, (316) 364-2182.

KENNETH F. KERN
Executive Director

Doc. No. 008293

State of Kansas

REAL ESTATE COMMISSION**NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS**

A public hearing will be conducted at 9 a.m. Tuesday, October 17, in Room 202 of the Federal Building, 444 S.E. Quincy, Topeka, to consider the adoption of proposed changes in an existing rule and regulation of the Kansas Real Estate Commission.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to the Kansas Real Estate Commission, Room 501, Landon State Office Building, 900 S.W. Jackson, Topeka 66612-1220. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

This regulation is proposed for adoption on a permanent basis. A summary of the proposed regulation and its economic impact follows.

K.A.R. 86-1-13. The regulation provides that licensees submit to the commission a certificate of completion for each course completed to meet continuing education requirements. The amendment to the regulation allows licensees and schools the option of allowing the school to act as the licensee's agent for the purpose of submitting evidence to the commission of the licensee's completion of the course.

There will be no significant economic impact on either the licensees or the schools. The change should decrease data entry time of agency employees. The agency is unable to estimate the potential savings, as the number of licensees and schools who elect the new option cannot be predicted at this time.

Copies of the regulation and its economic impact statement may be obtained from the Kansas Real Estate Commission at the address given above, (913) 296-3411.

JEAN DUNCAN
Administrative Officer

Doc. No. 008286

State of Kansas

DEPARTMENT OF COMMERCE

NOTICE CONCERNING KANSAS SMALL CITIES CDBG PROGRAM

Public notice is hereby given that according to Title I of the Housing and Community Development Act of 1974, as amended and in compliance with Sections 104(a)(2)(D) and (E) of the Act:

"(e) Each grantee shall submit to the Secretary, at a time determined by the Secretary, a performance and evaluation report concerning the use of funds made available under Section 106, together with an assessment by the grantee of the relationship of such use to the objectives identified in the grantee's statement under subsection (a) and to the requirements of subsection (b)(3). Such report shall also be made available to the citizens in each grantee's jurisdiction in sufficient time to permit such citizens to comment on each report prior to its submission, and in such manner and at such times as the grantee may determine. The grantee's report shall indicate its programmatic accomplishments, the nature of the reasons for changes in the grantee's program objectives, indications of how the grantee would change its programs as a result of its experiences and an evaluation of the extent to which its funds were used for activities that benefitted low- and moderate-income persons. The report shall include a summary of any comments received by the grantee from citizens in its jurisdiction respecting its program."

Submission of the Performance and Evaluation Report deadline to HUD is October 1, 1989.

Written comments on the Performance and Evaluation Report will be received until 5 p.m. Friday, September 29, in the offices of the Kansas Small Cities CDBG Program, 400 W. 8th, Suite 500, Topeka 66603. The document also may be obtained or reviewed at that address.

HARLAND PRIDDLE
Secretary of Commerce

Doc. No. 008307

State of Kansas

DEPARTMENT OF HEALTH AND ENVIRONMENT

NOTICE CONCERNING KANSAS WATER POLLUTION CONTROL PERMITS

In accordance with state regulations 28-16-57 through 63 and 28-18-1 through 4, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for the water pollution abatement facilities for the feedlots described below. The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards and regulations of the state of Kansas and the EPA. The permit requires control of any existing or potential discharges to achieve the goal of "no discharge" whenever possible. The permit, upon issuance, will constitute a state water pollution control and national pollutant discharge elimination system permit.

Name and Address of Applicant	Legal Description	Receiving Water
Poky Feeders Route 2, Box 168 Scott City, KS 67871	S/2 Section 17, Township 18S/Range 22W, Scott County, Kansas	Upper Arkansas River Basin

Kansas Permit No. A-UASC-C017 Federal Permit No. KS-0086576

The feedlot has capacity for approximately 12,000 cattle with expansion planned for an additional 10,000 cattle and a contributing drainage area of approximately 147 acres. This is a new facility.
Runoff Control Facilities: Feedlot runoff is impounded for subsequent disposal upon agricultural land. Storage capabilities are provided in excess of 52.5 acre-feet.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Hitch Feeders II, Inc. Box 1629 Garden City, KS 67846	W/2 & SW/4 Section 23, Township 27S, Range 34W, Haskell County, Kansas	Cimarron River Basin

Kansas Permit No. A-CIHS-C002 Fed. Permit No. KS-0039519

The feedlot has capacity for approximately 50,000 cattle and a contributing drainage area of approximately 400 acres. This is an existing facility.
Runoff Control Facilities: Feedlot runoff is impounded for subsequent disposal upon agricultural land. Storage capabilities are provided in excess of 160 acre-feet.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Beef Belt Feeders, Inc. Route 2 Scott City, KS 67871	SW/4 Section 29, Township 19S, Range 32W, Scott County, Kansas	Upper Arkansas River Basin

Kansas Permit No. A-UASC-C005 Fed. Permit No. KS-0040240

The feedlot has capacity for approximately 12,000 cattle and a contributing drainage area of approximately 115 acres. This is an existing facility.
Runoff Control Facilities: Feedlot runoff is impounded for subsequent disposal upon agricultural land. Storage capabilities are provided in excess of 38.3 acre-feet.

Compliance Schedule: None, existing controls adequate.

Written comments on the proposed NPDES permits may be submitted to Walt Wagner, Kansas Department of Health and Environment, Division of Environment, Bureau of Environmental Quality, Certification/Enforcement Unit, Forbes Field, Topeka 66620. All comments received prior to October 13 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-AG-89-30/32) and name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determinations within 30 days of this notice. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61. The application, proposed permit, special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 740, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. Monday through Friday.

The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

STANLEY C. GRANT
Secretary of Health
and Environment

Doc. No. 008296

State of Kansas

**ADVISORY COMMITTEE ON
HISPANIC AFFAIRS****NOTICE OF MEETING**

The Kansas Advisory Committee on Hispanic Affairs (KACHA) will meet at 10 a.m. Saturday, September 16, at the Newton Recreation Center, 415 Poplar, Newton.

For further information contact Celso L. Ramirez, Executive Director, (913) 296-3465.

CELSO L. RAMIREZ
Executive Director

Doc. No. 008304

State of Kansas

**DEPARTMENT OF HUMAN RESOURCES
KANSAS COMMISSION ON DISABILITY
CONCERNS****NOTICE OF MEETING**

The Kansas Commission on Disability Concerns will conduct a new member training session at 1:30 p.m. Thursday, September 21, in the second floor conference room at 1430 S.W. Topeka Blvd., Topeka. There will be a board meeting at 8:30 a.m. Friday, September 22, at the same location.

RAY D. SIEHNDEL
Secretary of Human Resources

Doc. No. 008292

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF PURCHASES****NOTICE TO BIDDERS**

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, until 2 p.m. C.D.T. on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

Monday, September 25, 1989

#27336

Kansas State University—BALED WOOD
SHAVINGS

#27878

University of Kansas—SPECIAL EFFECTS VIDEO
PRODUCTION

#81030

Kansas State Industrial Reformatory—WET
GARBAGE DISPOSAL

#81031

Adjutant General's Department—FURNISH ALL
LABOR AND MATERIALS FOR REMODELING OF
NICKELL BARRACKS TRAINING CENTER, Salina

#81043

Department of Health and Environment—MAILING
TUBES

#81054

Department of Administration, Division of Printing—
IMITATION LEATHER

#81055

University of Kansas—X.25 PACKET SWITCH

#81066

Kansas Bureau of Investigation—FILING SUPPLIES

#81067

Kansas State University—PLAIN PAPER
PHOTOCOPIER

#81068

Kansas Bureau of Investigation—MICROCOMPUTER

#81103

Adjutant General's Department—FURNISH AND
INSTALL CHAIN LINK FENCING, Fort Riley

#81140

Adjutant General's Department—FURNISH AND
INSTALL NEW WATER LINE

Tuesday, September 26, 1989

#A-5969

Rainbow Mental Health Facility—CARPET AND
SEAMLESS VINYL FLOORING INSTALLATION,
BUILDING B. (NO. 55500-00002)

#27376

Statewide—HIGH SPEED PRINTER RIBBONS

#27516

Statewide—NOVEMBER (1989) MEAT PRODUCTS

#28050

Department of Administration, Division of Personnel
Services—EXERCISE EQUIPMENT

#80690A

University of Kansas Medical Center—HOSPITAL
COMPUTER/INVENTORY CONTROL SYSTEM

#81056

Kansas State University—MAILING EQUIPMENT

#81095

Kansas State University—SPECTROPHOTOMETER

#81100

Adjutant General's Department—ROCK, Fort Riley

#81147

Kansas State University—SOYBEAN MEAL

Wednesday, September 27, 1989

#A-6267

Wichita State University—REROOF DUERKSEN
FINE ARTS CENTER

#A-6268

Wichita State University—REROOF MATH
PHYSICS BUILDING

#A-6327

Emporia State University—TRANSFORMER
REPLACEMENT PROJECT

#27524

University of Kansas—NOVEMBER (1989) MEAT
PRODUCTS

#81145

University of Kansas Medical Center—SALE OF
USED MAINFRAME COMPUTER SYSTEM

Thursday, September 28, 1989

#A-6269

Adjutant General's Department—PARTIAL REROOF
OF ARMORY, Abilene

(continued)

#A-6326

Department of Administration—QUAD ROOM
RENOVATIONS, Kansas Statehouse

#A-6970

Adjutant General's Department—PARTIAL REROOF
OF ARMORY, Augusta

#A-6971

Adjutant General's Department—PARTIAL REROOF
OF ARMORY, Emporia

#A-6972

Adjutant General's Department—REROOF OF
ORGANIZATIONAL MAINTENANCE SHOP #1,
Norton

#A-6973

Adjutant General's Department—PARTIAL REROOF
OF ARMORY, Salina

#27119

University of Kansas Medical Center—ANIMAL
BEDDING

#27474

University of Kansas Medical Center—NOVEMBER
(1989) MEAT PRODUCTS

#28110

Department of Wildlife and Parks—DRESS
UNIFORM COMPONENTS, Pratt

#28111

Board of Agriculture—INDIRECT COSTS
ALLOCATION PLAN

#81113

Winfield State Hospital and Training Center—
WASHER/EXTRACTOR

#81119

Fort Hays State University—LABORATORY
FURNITURE

Friday, September 29, 1989

#81134

Kansas Insurance Department—DICTATION
SYSTEM

#81142

Kansas State Penitentiary—VEHICLES

#81143

Kansas Highway Patrol—ELECTRIC FLASHERS
AND BEACONS

Monday, October 2, 1989

#26219

Statewide—CORPORATE CHARGE CARDS

Tuesday, October 3, 1989

#26761

Kansas State University—BULK LIQUID
NITROGEN

Wednesday, October 4, 1989

#27854

Statewide—ORTHOTICS SUPPLIES (CLASS 15)

NICHOLAS B. ROACH

Director of Purchases

(Published in the *Kansas Register*, September 14, 1989.)

NOTICE OF REDEMPTION

Kansas City, Kansas

Single Family Mortgage Revenue Bonds
1980 Series A

Notice is hereby given that, pursuant to Section 3.01 of the Trust Indenture dated May 1, 1980, \$940,000 principal amount of the bonds are called for redemption November 1, 1989, at the redemption price of 100 percent of the principal amount being redeemed plus accrued interest thereon to the redemption date. This notice was first published on Thursday, September 14, 1989, in the *Kansas Register* and *The Bond Buyer*.

The serial numbers of the bearer bonds to be redeemed are as follows:

(Note: Coupons due November 1, 1989, should be presented in the normal manner. Coupons due May 1, 1990, and all subsequent coupons must be attached to bonds called for redemption.)

Due May 1, 1990: 560, 604
CUSIP 484770-BF

Due May 1, 1991: 649, 681
CUSIP 484770-BG

Due May 1, 1992: 723, 752, 807
CUSIP 484770-BH

Due May 1, 1993: 876, 915, 926
CUSIP 484770-BJ

Due May 1, 1994: 973, 1010, 1012
CUSIP 484770-BK

Due May 1, 1995: 1100, 1121, 1125
CUSIP 484770-BM

Due May 1, 1996: 1305, 1314, 1357, 1380
CUSIP 484770-BN

Due May 1, 1999: 1493, 1495, 1678, 1766, 1780, 1794, 1876, 1973
CUSIP 484770-BP

Due May 1, 2012 (CUSIP 484770-BL)

2117	3096	3967	4919	6037	6997
2150	3128	3983	5076	6088	7014
2173	3155	4008	5104	6170	7032
2190	3175	4065	5131	6220	7066
2237	3178	4085	5201	6234	7156
2243	3249	4093	5271	6266	7229
2276	3258	4117	5363	6358	7255
2288	3271	4207	5376	6379	7337
2292	3358	4289	5483	6413	7366
2334	3505	4384	5512	6493	7381
2662	3621	4387	5582	6521	7387
2674	3624	4432	5588	6540	7394
2691	3636	4447	5656	6569	7465
2705	3638	4479	5670	6631	7518
2711	3642	4539	5711	6753	7578
2725	3644	4620	5742	6755	
2761	3723	4746	5887	6776	
2791	3805	4804	5889	6779	
2795	3923	4825	5946	6971	
2813	3924	4910	5956	6983	

Due May 1, 1999:
CUSIP 484770-BP

Registered Bond Number	Amount Called
R 57	\$10,000
R267	10,000
R282	5,000
R286	5,000

Due May 1, 2012:
CUSIP 484770-BL

Registered Bond Number	Amount Called
R112	\$ 5,000
R148	5,000
R200	5,000
R222	5,000
R245	10,000
R264	5,000
R266	110,000
R270	10,000
R271	5,000
R272	15,000
R273	5,000
R274	10,000
R275	5,000

Payment of the redemption price of the bearer bonds and registered bonds to be redeemed will be made at Security Bank of Kansas City, One Security Plaza, Kansas City, KS 66117. To avoid a 20 percent backup withholding required by the Interest and Dividend Tax Act of 1983, bondholders should submit certified taxpayer identification numbers on IRS Form W-9 when presenting their securities for redemption.

Notice is hereby given that on and after November 1, 1989, interest on the bonds shall cease to accrue.

Security Bank of Kansas City
Kansas City, Kansas, Trustee

Doc. No. 008301

(Published in the *Kansas Register*, September 14, 1989.)

NOTICE OF REDEMPTION
Reno County, Kansas
Single Family Mortgage Revenue Bonds
1979 Series A

Serial Bonds Due November 1990-1999
Term Bonds Due November 1, 2010

Notice is hereby given that pursuant to Section 4.01 of the Indenture dated as of November 1, 1979, and as amended by the First Supplemental Indenture dated as of July 1, 1987, \$410,000 principal amount of the bonds, as listed below, are called for redemption on November 1, 1989, at the redemption price of 100 percent of the principal amount being redeemed plus accrued interest thereon to the redemption date:

The serial numbers of the coupon bonds to be redeemed in full, bearing CUSIP No. 759753 and Suffix:

ALO	AT3	1678	2671
362	880	1792	2742
363	882	1814	2798
AM8	908	1903	2838
434	966	1908	2848
		1971	2877
AN 6	AU0	2001	2891
496	1032	2055	2985
	1097	2127	3288
AP1	AV8	2355	3480
533	1174	2366	3639
572	1187	2487	3668
AQ9	1244	2488	3684
667			

AR7	AW6	2530	3875
752	1281	2541	3895
	1356	2582	3903
AS5	1566	2629	3912
858	1591	2644	3945

The serial numbers of the registered bonds to be redeemed in whole or in part are:

Bond Number	Par Value	CUSIP Number	Amount Called
R220	\$ 30,000	759753AQ9	5,000
R144	20,000	759753AU0	5,000
R131	20,000	759753AV8	5,000
R84	5,000	759753AW6	5,000
R87	10,000	759753AW6	5,000
R120	20,000	759753AW6	10,000
R127	30,000	759753AW6	10,000
R139	30,000	759753AW6	5,000
R145	20,000	759753AW6	5,000
R147	395,000	759753AW6	55,000
R353	20,000	759753AW6	10,000

On November 1, 1989, all bonds designated for redemption will become due and payable upon presentation thereof to one of the offices of the paying agents.

Coupon bonds with the current coupon and all subsequent coupons attached should be presented to one of the offices of the paying agents:

Continental Bank N.A.
Attn: Corporate Trust Operations
231 S. LaSalle St., 19th Floor
Chicago, IL 60697

Marine Midland Bank, N.A.
Coupon Paying Department
140 Broadway, 12th Floor
New York, NY 10010

Kansas State Bank and Trust Company
Attention: Trust Department
123 N. Market, P.O. Box 427
Wichita, KS 67201

Where a fully registered bond is redeemed in part, a new fully registered bond for the unredeemed portion will be issued and returned without charge. While registered bondholders have the option of presenting bonds to any of the above-mentioned paying agents, there will be a delay in the issuance of bonds for any unredeemed portion unless such presentment is made to the principal paying agent in Chicago at the above given address.

Interest on the bonds called for redemption will cease to accrue on November 1, 1989.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 20 percent tax from remittances to individuals who have failed to furnish the paying agent with a valid taxpayer identification number. Holders of the above described securities who wish to avoid the imposition of this tax should submit certified taxpayer identification numbers when presenting their securities for collection.

Dated September 8, 1989.

By Continental Bank, National Association
Trustee for Reno County, Kansas

Doc. No. 008305

(Published in the *Kansas Register*, September 14, 1989.)

NOTICE OF REDEMPTION
Johnson County, Kansas
Single Family Mortgage Revenue Bonds
1980 Series A

Notice is hereby given that, pursuant to Section 3.01 of the Trust Indenture dated May 1, 1980, \$3,085,000 principal amount of the bonds are called for redemption November 1, 1989, at the redemption price of 100 percent of the principal amount being redeemed plus accrued interest thereon to the redemption date. This notice was first published on Thursday, September 14, 1989, in the *Kansas Register* and *The Bond Buyer*.

The serial numbers of the bearer bonds to be redeemed are as follows:

(Note: Coupons due November 1, 1989, should be presented in the normal manner. Coupons due May 1, 1990, and all subsequent coupons must be attached to bonds called for redemption.)

Due May 1, 1990: 1182, 1207, 1238, 1289, 1292, 1329, 1371
CUSIP 478747-AK

Due May 1, 1991: 1393, 1426, 1439, 1464, 1465, 1478, 1498, 1542
CUSIP 478747-AL

Due May 1, 1992: 1676, 1689, 1725, 1727, 1776, 1784, 1837, 1847, 1902
CUSIP 478747-AM

Due May 1, 1993: 1905, 1910, 1976, 1978, 2035, 2048, 2106, 2131, 2167, 2189
CUSIP 478747-AN

Due May 1, 1994: 2241, 2265, 2294, 2345, 2365, 2390, 2403, 2463, 2468, 2543, 2545
CUSIP 478747-AP

Due May 1, 1995: 2654, 2688, 2764, 2769, 2848, 2890, 2921
CUSIP 478747-AQ

Due May 1, 1996: 2969, 2990, 3030, 3046, 3118, 3123, 3215, 3242, 3316, 3320, 3332, 3349
CUSIP 478747-AR

Due May 1, 1999 (CUSIP 478747-AU)

3410	3678	3947	4276	4564	4836
3434	3684	3988	4282	4598	4852
3451	3727	4057	4318	4612	4926
3456	3786	4089	4323	4639	4950
3622	3827	4099	4376	4645	5023
3623	3830	4107	4398	4733	
3641	3864	4131	4441	4786	
3646	3871	4207	4493	4789	
3661	3897	4224	4496	4829	

Due May 1, 2011 (CUSIP 478747-AV)

5129	7565	10625	13375	15866	18317
5224	8004	10808	13691	15883	18357
5328	8042	10997	13709	15946	18378
5403	8423	11114	13764	15950	18479
5429	8428	11537	13878	15981	18502
5485	8444	11543	14055	16224	18527
5497	8748	11550	14059	16237	18564
5518	8771	11577	14206	16865	18640
5523	8944	11587	14225	17008	18706
5864	9018	12110	14458	17058	18708
5878	9151	12298	14510	17314	18741
5980	9152	12456	14705	17503	18765
6170	9178	12719	14733	17604	18817
6177	9249	12792	14791	17662	18864
6189	9469	12797	14894	17743	19146
6329	9607	13038	14916	17870	19174
6358	9611	13095	14917	17902	19666
6387	9645	13106	14922	17932	19673

6413	9804	13151	14945	18014	19776
6666	9815	13155	15018	18015	20011
6734	9873	13172	15184	18062	20081
6853	9886	13218	15280	18076	20090
7177	10103	13231	15281	18081	
7250	10426	13268	15659	18138	
7546	10595	13283	15816	18300	

The numbers of the registered bonds to be partially or fully redeemed in the amounts described below are as follows:

Due May 1, 1995:
CUSIP 478747-AQ

Registered Bond Number	Amount Called
R489	\$ 5,000
R680	5,000
R685	15,000

Due May 1, 1996:
CUSIP 478747-AR

Registered Bond Number	Amount Called
R504	\$5,000

Due May 1, 1999:
CUSIP 478747-AU

Registered Bond Number	Amount Called
R465	\$ 5,000
R667	10,000

Due May 1, 2011:
CUSIP 478747-AV

Registered Bond Number	Amount Called
R120	\$ 5,000
R392	5,000
R480	5,000
R496	5,000
R514	5,000
R521	10,000
R525	5,000
R578	10,000
R601	5,000
R645	5,000
R649	5,000
R654	5,000
R660	5,000
R668	5,000
R670	5,000
R671	5,000
R673	5,000
R676	15,000
R677	690,000
R678	575,000
R679	60,000
R684	5,000
R686	5,000
R689	190,000
R690	5,000
R693	5,000
R694	85,000

Payment of the redemption price of the bearer bonds and registered bonds to be redeemed will be made at Security Bank of Kansas City, One Security Plaza, Kansas City, KS 66117. To avoid a 20 percent backup withholding required by the Interest and Dividend Tax Act of 1983, bondholders should submit certified taxpayer identification numbers on IRS Form W-9 when presenting their securities for redemption.

Notice is hereby given that on and after November 1, 1989, interest on the bonds shall cease to accrue.

Security Bank of Kansas City
 Kansas City, Kansas, Trustee

Doc. No. 008302

(Published in the *Kansas Register*, September 14, 1989.)

NOTICE OF REDEMPTION
City of Osage City, Kansas
Gas Utility System Revenue Bonds
Series A 1982

Notice is hereby given that \$75,000 principal amount of bonds listed below are being called for redemption on October 1, 1989, at the price of 102 percent of the principal amount being redeemed plus accrued interest thereon to the redemption date.

Publication Date: September 1, 1989

Call Date: October 1, 1989

The numbers are as follows:

October 1, 1993: 42 thru 48

October 1, 1994: 49 thru 56

On October 1, 1989, all bonds designated for redemption will become due and payable upon presentation at the address given below.

On and after October 1, 1989, interest on the principal amount called for redemption shall cease to accrue.

The bonds, along with IRS Form W-9 (verification of taxpayer identification number) may be presented for payment at the following address: Office of State Treasurer, Attn: Fiscal Department, 900 S.W. Jackson, Suite 201, Topeka, KS 66612-1235.

City of Osage City, Kansas

Doc. No. 008290

(Published in the *Kansas Register*, September 14, 1989.)

SUMMARY NOTICE OF BOND SALE
City of Olathe, Kansas
General Obligation Bonds
Series 180

(General obligation bonds payable from
 unlimited ad valorem taxes)

Sealed Bids

Subject to the official notice of bond sale and official statement dated September 11, 1989, sealed bids will be received by the city clerk of the city of Olathe, Kansas, on behalf of the governing body at the City Hall, P.O. Box 768, 100 W. Santa Fe, Olathe, KS 66061, until noon C.D.T. on Tuesday, September 26, 1989, for the purchase of \$6,825,000 principal amount of General Obligation Bonds, Series 180. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated October 1, 1989, and will become due serially on October 1 in the years as follows:

Year	Principal Amount
1990	\$525,000
1991	525,000
1992	575,000
1993	525,000
1994	525,000
1995	575,000
1996	525,000
1997	550,000
1998	575,000
1999	550,000

2000	125,000
2001	150,000
2002	125,000
2003	125,000
2004	150,000
2005	125,000
2006	125,000
2007	150,000
2008	150,000
2009	150,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning on April 1, 1990.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$136,500 (2 percent of the principal amount of the bonds).

Delivery

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder within 45 days after the date of sale at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1988 is \$217,357,747. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$47,075,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, Overland Park, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from George Long, Administrative Services Director, P.O. Box 768, 100 Santa Fe, Olathe, KS 66061, (913) 782-2600, or from the financial advisor, Evensen Dodge, Inc., 222 S. 9th, Suite 3800, Minneapolis, MN 55402, (612) 338-3535.

CITY OF OLATHE, KANSAS

Doc. No. 008306

(Published in the *Kansas Register*, September 14, 1989.)

NOTICE OF BOND SALE
\$1,000,000
Capital Appreciation Minibonds
Series 1989
of
The City of Merriam, Kansas
(general obligations payable from
unlimited ad valorem taxes)

Sale

Applications for the purchase at public auction of an issue of Capital Appreciation Minibonds, Series 1989, in the aggregate principal amount of \$1,000,000, will be received by the city administrator of the city of Merriam, Kansas, in the office of the city administrator at Merriam City Hall, 9000 W. 62nd Terrace, Merriam, KS 66202, beginning at 8 a.m. C.D.T. on Monday, September 25, 1989, and ending at 4:30 p.m. C.D.T. on Monday, October 16, 1989, or earlier if the total issue is purchased prior to said date. Applications may be requested either by telephone using the minibond hotline number, (913) 722-3386, from 8 a.m. to 4:30 p.m. Monday through Friday, or by written request addressed to Minibonds at the City Hall, which must include the applicant's name, address and daytime telephone number. Applications will be mailed to interested investors after September 11, 1989, and will also be available at the City Hall at that time.

Minibond Details

The minibonds will consist of fully registered certificated bonds in the denomination of \$500 each, dated October 15, 1989. Interest on the minibonds will be compounded semiannually from October 15, 1989, and they will mature and bear interest as follows:

Maturity Schedule

Maturity October 15	Principal Amount	Interest Rate
1992	415,000	6.46%
1993	347,500	6.67%
1994	237,500	6.84%

The minibonds will be structured as non-current interest bearing bonds. This means that the interest accruing on the minibonds, along with the principal, will be paid when the minibonds mature.

The minibonds are not subject to redemption prior to their maturity dates. Under no circumstances will purchasers be able to receive the principal and/or the interest on their minibonds prior to the maturity date of the minibonds.

Place of Payment and Minibond Registration

The principal of and interest on the minibonds will be payable in lawful money of the United States of America by check or draft of the city (the paying agent and minibond registrar) at their maturity to the registered owners upon presentation and surrender of the minibonds at the office of the paying agent. The minibonds will be registered pursuant to a plan of registration approved by the city and the Kansas Attorney General. The minibonds will be registered as fully registered certificated bonds.

The minibonds are non-transferrable and non-negotiable except that during the month of October of each year

any minibond is outstanding and unpaid, the registered owner or co-owner may transfer ownership to another person. In the event of the death of the owner or both of the co-owners of a minibond, the city should be contacted for registration information. Minibonds will be replaced if lost, stolen or destroyed, but appropriate indemnification of the city will be required.

Condition of Bids

Completed minibond applications may either be mailed or hand delivered. No hand-delivered applications will be accepted before September 25, 1989. Mailed applications will be deemed to be received at the time they are individually time stamped on September 25, 1989, beginning at 8 a.m.

All applications must be accompanied by a certified check, cashier's check, or money order payable to Merriam, Kansas, for the total amount of the purchase. No personal checks, company checks or cash will be accepted.

The total purchase for or by a registered owner cannot exceed 10 minibonds (\$5,000) during the first 10 business days of the sale. The application permits the purchaser to select the maturity date(s) desired, if available, or to permit the city to select the maturity dates. On October 9, 1989, applications for the minibonds will be accepted on a first-come, first-serve basis for any and all of the minibonds remaining unsold.

Basis of Award

Applications will be honored on a first-come, first-serve basis and the city will return payment to unsuccessful applicants if the demand exceeds the available supply of minibonds.

Authority, Purpose and Security

The minibonds are being issued pursuant to and in full compliance with the constitution and statutes of the state of Kansas, including K.S.A. 10-101 to 10-125, inclusive, and K.S.A. 12-1736 *et seq.*, all as may be amended, for the purpose of paying the cost of rehabilitating, remodeling and improving an existing building owned by the city into a modern community center located within the city.

The minibonds constitute general obligations of the city and are payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount on all the taxable tangible property, real and personal, within the territorial limits of the city.

Legal Opinion and Tax Exemption

In the opinion of Burke, Williams, Sorensen & Gaar, Overland Park, Kansas, bond counsel, assuming continued compliance by the city with the terms of the ordinance authorizing the issuance of the minibonds, under existing law, the interest on the minibonds: (a) is excludable from gross income for federal income tax purposes, and (b) is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; however, it should be noted that with respect to corporations (as defined for federal income tax purposes), such interest is taken into account in determining adjusted net book income (adjusted current earnings for taxable years ending after December 31, 1989) for the purpose of computing the alternative minimum tax imposed on such corporations. No opinion is expressed re-

garding other federal tax consequences arising with respect to the minibonds.

The Internal Revenue Code of 1986, as amended, imposes certain requirements that must be met subsequent to the issuance of the minibonds in order for the interest thereon to be and remain excluded from gross income for federal income tax purposes. Noncompliance with such requirements could cause the interest on the minibonds to be included in federal gross income retroactive to the date of issue of the minibonds. These requirements include, but are not limited to, limitations on the use of minibond proceeds and restrictions on the yield that may be earned on the investment of minibond proceeds and other amounts. In the minibond ordinance, the city will covenant to comply with the provisions of the code relating to the exclusion of the interest on the minibonds from gross income for federal income tax purposes.

The interest on the minibonds is excludable from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.

The city has designated the minibonds as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the code.

Prospective purchasers of the minibonds should be aware that: (1) Section 265 of the code denies a deduction for interest on indebtedness incurred or continued to purchase or carry the minibonds or, in the case of a financial institution (within the meaning of Section 265(b)(5) of the code), that portion of an owner's interest expense allocable to interest on the minibonds; (2) with respect to insurance companies subject to the tax imposed by Section 831 of the code, for taxable years beginning after December 31, 1986, Section 832(b)(5)(B)(i) reduces the deduction for loss reserves by 15 percent of the sum of certain items, including interest on the minibonds; (3) for taxable years beginning after December 31, 1986, and before January 1, 1992, interest on the minibonds earned by some corporations could be subject to the environmental tax imposed by Section 59A of the code; (4) for taxable years beginning after December 31, 1986, interest on the minibonds earned by certain foreign corporations doing business in the United States could be subject to a branch profits tax imposed by Section 884 of the code; (5) passive investment income, including interest on the minibonds, may be subject to federal income taxation under Section 1375 of the code for Subchapter S corporations that have Subchapter C earnings and profits at the close of the taxable year if greater than 25 percent of the gross receipts of such Subchapter S corporation is passive investment income; and (6) Section 86 of the code requires recipients of certain Social Security and certain railroad retirement benefits to take into account in determining gross income, receipts or accruals of interest on the minibonds. These categories of minibondowners should consult their own tax advisors as to the applicability of these consequences.

Delivery and Payment

The city will pay for printing the minibonds and the expense of legal services rendered to the city in connection with the minibonds and will deliver the same properly prepared, executed and registered without cost to the successful purchasers and will mail the same to the

registered owner's address within 30 days of completion of the sale, but no later than November 15, 1989.

CUSIP Numbers

CUSIP identification numbers will be printed on certificated minibonds, but neither the failure to print such number on or assign such number to any minibond nor any error with respect thereto will constitute cause for failure or refusal by the successful purchasers thereof to accept delivery of and pay for the minibonds in accordance with the terms of notice. All expenses in relation to the assigning and printing of CUSIP numbers on the minibonds will be paid by the city.

Minibond Rating

The city has not applied for a rating on the minibonds herein offered for sale.

Application Forms

All applications must be made on forms that can be obtained from the city either by telephoning the minibond hotline (913-722-3386), by writing to the city administrator or by applying in person at the City Hall. No additions or alterations in such forms may be made and any erasures may cause rejection of any application. The city reserves the right to waive irregularities and to reject any and all applications.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city as of August 25, 1988, for computation of bond debt limitation is \$69,560,795.

The total general obligation indebtedness of the city as of the date of the minibonds, including the minibonds being sold, is \$4,787,606.

Official Statement

The city has prepared an official statement dated September 11, 1989, a copy of which will accompany each application requested.

Additional Information

Additional information regarding the minibonds may be obtained from the Merriam Minibond Hotline at (913) 722-3386 Monday through Friday, 8 a.m. to 4:30 p.m. except city holidays.

Dated September 11, 1989.

City of Merriam, Kansas
Eric Wade, City Administrator
City of Merriam
Merriam, KS 66202
(913) 722-3386

Doc. No. 008303

(Published in the *Kansas Register*, September 14, 1989.)

NOTICE OF BOND SALE
\$178,000
City of Auburn, Kansas
General Obligation Bonds
Series 1989

Sealed Bids

Sealed bids for the purchase of \$178,000 principal amount of General Obligation Bonds, Series 1989, of the city hereinafter described, will be received by the undersigned city clerk of the city of Auburn, Kansas, on behalf of the governing body of the city at City Hall, 1250 Harrison, Auburn, until 7 p.m. C.D.T. on Wednesday, September 20, 1989. All bids will be publicly opened and read at said time and place and will be acted upon by the city immediately thereafter. No oral or auction bids will be considered.

Bond Details

The bonds will consist of fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$8,000. The bonds will be dated October 1, 1989, and will become due serially on September 1 in the years as follows:

Year	Principal Amount
1990	\$13,000
1991	15,000
1992	15,000
1993	15,000
1994	15,000
1995	20,000
1996	20,000
1997	20,000
1998	20,000
1999	25,000

The bonds will bear interest at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1990.

Place of Payment and Bond Registration

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar). The principal of the bonds will be payable at maturity or upon earlier redemption to the registered owners upon presentation and surrender of the bonds at the office of the paying agent. Interest on the bonds will be paid by check or draft mailed by the paying agent to the persons in whose names the bonds are registered on the registration books maintained by the bond registrar at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date.

The city will pay for the fees of the bond registrar for registration and transfer of the bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondholders.

Redemption of Bonds Prior to Maturity

At the option of the city, bonds maturing on September 1, 1997, and thereafter will be subject to redemption and payment prior to maturity on September 1, 1996, and thereafter in whole or in part on any interest payment date (bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the paying agent and bond registrar in such equitable manner as it shall designate), at the principal amount thereof, plus accrued interest to the redemption date, without premium.

Whenever the city is to select the bonds for the purpose of redemption, it shall, in the case of bonds in denominations greater than \$5,000, if less than all of the bonds then outstanding are to be called for redemption, treat each \$5,000 of face value of each such fully registered bond as though it were a separate bond of the denomination of \$5,000.

If the city shall elect to call any bond for redemption and payment prior to the maturity thereof, the city shall give written notice of its intention to redeem and pay said bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States registered or certified mail addressed to the registered owners of said bonds, to the paying agent and bond registrar, and to the manager or managers of the underwriting account making the successful bid, each of said notices to be mailed at least 45 days prior to the redemption date. If any bond be called for redemption and payment as aforesaid, all interest on such bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of $\frac{1}{8}$ or $\frac{1}{20}$ of 1 percent. No interest rate shall exceed the index of treasury bonds published by the weekly *Credit Markets* in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 2 percent. No supplemental interest payments will be authorized. No bid of less than the principal amount of the bonds and accrued interest will be considered. Each bid shall specify the total interest cost to the city during the life of the bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid. Each bid shall also specify the average annual net interest rate to the city on the basis of such bid. Bidders shall specify in the bid form the prices (exclusive of accrued interest), expressed as a dollar price, at which the bidder intends that each maturity amount of the bonds shall be initially offered to the public (the initial reoffering prices).

Basis of Award

The award of the bonds will be made on the basis of the lowest net interest cost to the city, which will be determined by subtracting the amount of the premium

bid, if any, from the total interest cost to the city. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the city shall determine which bid, if any, shall be accepted, and its determination shall be final.

Authorization, Purpose and Security for the Bonds

The bonds are being authorized and issued to permanently finance various sanitary sewer improvements to the city. The bonds will be general obligations of the city payable as to both principal and interest in part from ad valorem taxes which may be levied, without limitation as to rate or amount on all the taxable tangible property, real and personal, within the territorial limits of the city.

Internal Revenue Code of 1986

The Internal Revenue Code of 1986 imposes requirements on the city that must be met subsequent to the issuance of the bonds by the city and, as a result, the city will and does hereby covenant that it will diligently undertake those steps necessary to maintain the tax-exempt status of the bonds. The city's failure to comply with such requirements could adversely affect the tax-exempt status of the bonds. Purchasers of the bonds should be aware that should the bonds lose their status as tax-exempt obligations as a result of the city's failure to comply with such requirements, the bonds are neither callable nor will the rate of interest on the bonds be adjusted to reflect such circumstances.

The code includes interest on tax-exempt obligations, such as the bonds, in the adjusted net book income of certain corporations for taxable years beginning after December 31, 1986, and includes, through 1989, in the calculation of alternative minimum taxable income one-half of the excess of a corporation's adjusted net book income over its alternative minimum taxable income (determined without regard to this adjustment and prior to reduction for certain net operating losses). After 1989, the use of "book income" will be replaced by "adjusted current earnings," with certain other adjustments. Furthermore, Section 59A of the code, as added by the Superfund Amendments and Reauthorization Act of 1986, provides for a new environmental tax generally based on corporate alternative minimum taxable income. The amount of the tax is equal to 0.12 percent of the excess of alternative minimum taxable income, without regard to net operating losses and the deduction for this tax, over \$2 million. The environmental tax is imposed whether or not the taxpayer is subject to the alternative minimum tax. The environmental tax, which is effective for taxable years beginning after December 31, 1986, may subject certain bondowners to additional taxation for interest earned on the bonds.

The code also requires property and casualty insurance companies, for taxable years beginning on or after January 1, 1987, to reduce the amount of their deductible underwriting losses by a percentage of the amount of tax-exempt interest received or accrued on obligations acquired after August 7, 1986.

With the exception of certain "qualified tax-exempt obligations," the code provides that banks and thrift insti-

tutions may not deduct any portion of the interest cost of purchasing or carrying tax-exempt obligations such as the bonds if such interest cost is incurred in taxable years ending after December 31, 1986, with respect to obligations acquired after August 7, 1986. The city does not intend to designate the bonds as "qualified tax-exempt obligations" under Section 265 of the code.

Legal Opinion

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder when the bonds are delivered. Said opinion will also state that in the opinion of bond counsel, assuming continued compliance by the city with the provisions of the ordinance authorizing the issuance of the bonds and the code, under existing law, the interest on the bonds is exempt from federal income taxation. Interest on the bonds will also be excluded from the computation of Kansas adjusted gross income for taxable years commencing after December 31, 1987.

Delivery and Payment

The city will pay for printing the bonds and will deliver the bonds, without cost to the successful bidder, properly prepared, executed and registered, on or about October 20, 1989, at such bank or trust company in the state of Kansas or the greater metropolitan area of Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere will be at the expense of the successful bidder. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity and a certificate regarding the completeness and accuracy of the official statement. Payment for the bonds shall be made in Federal Reserve funds, immediately subject to use by the city. The denominations of the bonds and the names, addresses and Social Security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the city and bond registrar not later than 4 p.m. C.D.T. on October 2, 1989. In the absence of such information, the city will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the city by 4 p.m. C.D.T. on October 2, 1989, a certificate acceptable to the city's bond counsel to the effect that: (i) the successful bidder has made a bona fide public offering of the bonds at the initial reoffering prices, and (ii) a substantial amount of the bonds was sold to the public (excluding brokers and other intermediaries) at such initial reoffering prices. Such certificate shall state that: (1) it is made on the best knowledge, information and belief of the successful bidder, and (2) 10 percent or more in par amount of the bonds of each maturity was sold to the public at or below the initial reoffering prices (such amount being sufficient to establish the sale of a "substantial amount" of the bonds).

(continued)

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$3,560, payable to the order of the city to secure the city from any loss resulting from the failure of the bidder to comply with the terms of the bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if the bid is not accepted. If a bid is accepted, said check shall be held by the city until the bidder shall have complied with all of the terms and conditions of this notice, at which time said check shall be returned to the successful bidder or deducted from the purchase price at the option of the city. If a bid is accepted but the city shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check shall be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this notice, the proceeds of such check shall be forfeited to the city with the city reserving the right to pursue any remedies available to it as a result of such default.

CUSIP Numbers

CUSIP identification numbers will be printed on the bonds, but neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of this notice. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the city.

Bid Forms

All bids must be made on forms that may be procured from the city clerk. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The city reserves the right to waive irregularities and to reject any or all bids.

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk and marked "Proposal for the Purchase of General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at City Hall and must be received by the undersigned prior to 7 p.m. C.D.T. on Wednesday, September 20, 1989.

Official Statement

Upon the sale of the bonds, the city will adopt an official statement in substantially the form as the preliminary official statement, subject to minor amendments and supplementation. Copies of the city's preliminary official statement relating to the bonds may be obtained from the city clerk or the city's financial advisor, George K. Baum & Company, 1004 Baltimore, Kansas City, MO 64105, (800) 821-7195. Upon request, a reasonable number of copies of the official statement will be made available to the successful bidder without charge. Additional copies may be obtained at the expense of such bidder.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city for the year 1988 is \$1,921,236. The total general obligation bonded indebtedness of the city

as of the date of the bonds, including the bonds, is \$470,000.

Dated September 5, 1989.

City of Auburn, Kansas
Alice Riley, City Clerk
City Hall
1250 Harrison
Auburn, KS 66402
(913) 671-2426

Doc. No. 008291

State of Kansas**DEPARTMENT OF WILDLIFE
AND PARKS****PERMANENT ADMINISTRATIVE
REGULATIONS****Article 8.—WILDLIFE AREAS**

23-8-34. (Authorized by and implementing K.S.A. 32-215, 32-224, and 1985 Supp. 74-3302; effective May 1, 1987; revoked Oct. 30, 1989.)

Article 11.—BOATING REGULATIONS

23-11-1. (Authorized by and implementing K.S.A. 82a-804; effective Jan. 1, 1986; amended, E-71-20, April 28, 1971; amended Jan. 1, 1972; amended May 1, 1980; amended May 1, 1985; revoked Oct. 30, 1989.)

Article 14.—DISABLED PERSONS

23-14-1. (Authorized by K.S.A. 1975 Supp. 32-154a, 32-156; effective E-76-16, March 27, 1975; effective May 1, 1976; revoked Oct. 30, 1989.)

**Article 17.—NONGAME, THREATENED
OR ENDANGERED SPECIES**

23-17-1. (Authorized by K.S.A. 32-504 and 32-507; effective May 1, 1978; amended May 1, 1980; amended May 1, 1987; revoked Oct. 30, 1989.)

23-17-2. (Authorized by K.S.A. 32-504, 32-507; effective May 1, 1981; amended May 1, 1987; revoked Oct. 30, 1989.)

23-17-3. (Authorized by and implementing K.S.A. 32-503 and 32-507; effective May 1, 1987; revoked Oct. 30, 1989.)

Article 4.—BIG GAME

115-4-3. Big game; clothing requirements. (a) Each person hunting deer or elk in a management unit during a firearms deer or elk season shall wear clothing of a bright orange color having a predominant lightwave length of 595-605 nanometers, commonly referred to as daylight fluorescent orange, hunter orange, blaze orange or safety orange.

(b) The bright orange color shall be worn as follows:

(1) a hat with the exterior of not less than 50 percent of the bright orange color, an equal portion of which is visible from all directions;

(2) a minimum of 100 square inches of the bright orange color on the front of the torso; and

(3) a minimum of 100 square inches of the bright orange color on the back of the torso. (Authorized by 1989 HB 2005, section 9; implementing 1989 HB 2005, sections 9 and 126; effective T-_____, _____; effective Oct. 30, 1989.)

115-4-10. Big game; shooting hours. The shooting hours for big game hunting during each day of any established big game hunting season shall be from 1/2 hour before sunrise to sunset. (Authorized by and implementing 1989 HB 2005, section 9; effective T-_____, _____; effective Oct. 30, 1989.)

Article 15.—THREATENED AND ENDANGERED SPECIES

115-15-1. Threatened and endangered species; general provisions. (a) Endangered species in Kansas.

- (1) Invertebrates
 - Flat floater, *Anodonta suborbiculata* Say, 1831
 - Slender walker, *Pomatiopsis lapidaria* (Say, 1817)
 - (2) Fish
 - Arkansas River shiner, *Notropis girardi* Hubbs and Ortenburger
 - Pallid sturgeon, *Scaphirhynchus albus* (Forbes and Richardson)
 - Sicklefin chub, *Hybopsis meeki* Jordan and Evermann
 - Speckled chub, *Hybopsis aestivalis tetranemus* (Gilbert)
 - (3) Amphibians
 - Cave salamander, *Eurycea lucifuga* Rafinesque
 - Graybelly salamander, *Eurycea multiplicata griseogaster* Moore and Hughes
 - Grotto salamander, *Typhlotriton spelaeus* Stejneger
 - (4) Birds
 - Bald eagle, *Haliaeetus leucocephalus* (Linnaeus)
 - Black-capped vireo, *Vireo atricapillus* Woodhouse
 - Eskimo curlew, *Numenius borealis* (Forster)
 - Least tern, *Sterna antillarum* (Lesson)
 - Peregrine falcon, *Falco peregrinus* Tunstall
 - Whooping crane, *Grus americana* (Linnaeus)
 - (5) Mammals
 - Black-footed ferret, *Mustela nigripes* (Audubon and Bachman)
 - Gray myotis, *Myotis grisescens* A.H. Howell.
- (b) Threatened species in Kansas
- (1) Invertebrates
 - Scott riffle beetle, *Optioservus phaeus* White
 - (2) Fish
 - Arkansas darter, *Etheostoma cragini* Gilbert
 - Chestnut lamprey, *Ichthyomyzon castaneus* Girard
 - Flathead chub, *Hybopsis gracilis* (Richardson)
 - Hornyhead chub, *Nocomis biguttatus* (Kirtland)
 - Neosho madtom, *Noturus placidus* Taylor
 - Redspot chub, *Nocomis asper* Lachner and Jenkins
 - Silverband shiner, *Notropis shumardi* (Girard)
 - (3) Amphibians
 - Central newt, *Notophthalmus viridescens louisianensis* (Wolterstorff)
 - Dark-sided salamander, *Eurycea longicauda melanopleura* (Cope)

Eastern narrowmouth toad, *Gastrophryne carolinensis* (Holbrook)

Green frog, *Rana clamitans melanota* (Rafinesque)

Northern crawfish frog, *Rana areolata circulosa* Rice and Davis

Northern spring peeper, *Pseudacris crucifer crucifer* (Wied)

Strecker's chorus frog, *Pseudacris streckeri streckeri* Wright and Wright

Western green toad, *Bufo debilis insidior* Girard

(4) Reptiles

Broadhead skink, *Eumeces laticeps* (Schneider)

Checkered garter snake, *Thamnophis marcianus marcianus* (Baird and Girard)

Eastern hognose snake, *Heterodon platirhinos* Latreille

Kansas glossy snake, *Arizona elegans elegans* Kennicott

New Mexico blind snake, *Leptotyphlops dulcis dissectus* (Cope)

Northern redbelly snake, *Storeria occipitomaculata occipitomaculata* (Storer)

Texas longnose snake, *Rhinocheilus lecontei tessellatus* Garman

Texas night snake, *Hypsiglena torquata jani* (Duges)

Western earth snake, *Virginia valeriae elegans* (Kennicott)

(5) Birds

Piping plover, *Charadrius melodus* Ord

Snowy plover, *Charadrius alexandrinus* Linnaeus

White-faced ibis, *Plegadis chihi* (Vieillot)

(6) Mammals

Eastern spotted skunk, *Spilogale putorius interrupta* (Rafinesque)

(c) Any threatened or endangered species taken during established trapping seasons, authorized commercial wild-life operations, fishing by hook and line, bait fish seining, or other lawful activity shall not be unlawfully taken if immediately released.

(d) Any threatened or endangered species in possession prior to the effective date of this regulation and not prohibited by previous regulation of the department or national listings may be retained in possession if:

(1) an application of affidavit to that effect has been filed with and approved by the secretary prior to January 1, 1990 that states the circumstances of how the species came into possession; or

(2) possession of the animal has been previously approved by the department. (Authorized by 1989 HB 2005, sections 91 and 94; implementing 1989 HB 2005, sections 91, 92, 94, 121 and 122; effective Oct. 30, 1989.)

115-15-2. Nongame species; general provisions.

(a) Nongame species in need of conservation in Kansas.

(1) Invertebrates

Regal fritillary, *Speyeria idalia* (Drury)

Butterfly, *Ellipsaria lineolata* (Rafinesque, 1820)

Cylindrical papershell, *Anodontoides ferussacianus*

(I. Lea, 1834)

Elktoe, *Alasmidonta marginata* Say, 1818

Fluted-shell, *Lasmigona costata* (Rafinesque, 1820)

Neosho mucket, *Lampsilis rafinesqueana* Frierson,

1927

(continued)

Quachita kidney shell, *Ptychobranhus occidentalis* (Conrad, 1836)

Rabbitsfoot, *Quadrula cylindrica cylindrica* (Say, 1817)

Snuffbox, *Epioblasma triquetra* (Rafinesque, 1820)

Wartyback, *Quadrula nodulata* (Rafinesque, 1820)

Western fanshell, *Cyprogenia aberti* (Conrad, 1850)

(2) Fish

Banded darter, *Etheostoma zonale* (Cope)

Banded sculpin, *Cottus carolinae* (Gill)

Black redhorse, *Moxostoma duquesnei* (Lesueur)

Blackside darter, *Percina maculata* (Girard)

Blue sucker, *Cycleptus elongatus* (Lesueur)

Bluntnose darter, *Etheostoma chlorosomum* (Hays)

Brassy minnow, *Hybognathus hankinsoni* Hubbs

Gravel chub, *Hybopsis x-punctata* Hubbs and

Crowe

Greenside darter, *Etheostoma blennioides* Rafinesque

Highfin carpsucker, *Carpiodes velifer* (Rafinesque)

Northern hog sucker, *Hypentelium nigricans* (Lesueur)

Ozark minnow, *Notropis nubilus* (Forbes)

Plains minnow, *Hybognathus placitus* Girard

River darter, *Percina shumardi* (Girard)

River redhorse, *Moxostoma carinatum* (Cope)

River shiner, *Notropis blennius* (Girard)

Slough darter, *Etheostoma gracile* (Girard)

Speckled darter, *Etheostoma stigmaeum* (Jordan)

Spotfin shiner, *Notropis spilopterus* (Cope)

Spotted sucker, *Minytrema melanops* (Rafinesque)

Stippled darter, *Etheostoma punctulatum* (Agassiz)

Tadpole madtom, *Noturus gyrinus* (Mitchell)

Topeka shiner, *Notropis topeka* Gilbert

(3) Amphibians

Red-spotted toad, *Bufo punctatus* Baird and Girard

(4) Reptiles

Alligator snapping turtle, *Macrolemys temminckii*

(Troost)

Rough earth snake, *Virginia striatula* (Linnaeus)

Western hognose snake, *Heterodon nasicus* Baird and Girard

(5) Birds

Bobolink, *Dolichonyx oryzivorus* (Linnaeus)

Cerulean warbler, *Dendroica cerulea* (Wilson)

Curve-billed thrasher, *Toxostoma curvirostre* (Swainson)

Ferruginous hawk, *Buteo regalis* (Gray)

Golden eagle, *Aquila chrysaetos* (Linnaeus)

Henslow's sparrow, *Ammodramus henslowii* (Audobon)

Ladder-backed woodpecker, *Picoides scalaris*

(Wagler)

Long-billed curlew, *Numenius americanus*

Bechstein

Mountain plover, *Charadrius montanus* Townsend

Prairie falcon, *Falco mexicanus* Schlegel

Red-shouldered hawk, *Buteo lineatus* (Gmelin)

Whip-poor-will, *Caprimulgus vociferus* Wilson

Yellow-throated warbler, *Dendroica dominica* (Linnaeus)

(6) Mammals

Eastern chipmunk, *Tamias striatus* (Linnaeus)

Franklin's ground squirrel, *Spermophilus franklinii* (Sabine)

Pallid bat, *Antrozous pallidus bunkerii* Hibbard

Southern bog lemming, *Synaptomys cooperi* Baird

Southern flying squirrel, *Glaucomys volans volans* (Linnaeus)

Texas mouse, *Peromyscus attwateri* J.A. Allen

Townsend's big-eared bat, *Plecotus townsendii pallescens* (Miller)

(b) Any nongame species in need of conservation taken during established trapping seasons, authorized commercial wildlife operations, fishing by hook and line, bait fish seining, or other lawful activity shall not be unlawfully taken if immediately released.

(c) Any nongame species in need of conservation in possession prior to the effective date of this regulation and not prohibited by previous regulation of the department or national listings may be retained in possession if:

(1) an application of affidavit to that effect has been filed with and approved by the secretary prior to January 1, 1990, that states the circumstances of how the species came into possession; or

(2) possession of the animal has been previously approved by the department. (Authorized by 1989 HB 205, sections 90 and 94; implementing 1989 HB 2005, sections 90 and 120; effective Oct. 30, 1989.)

115-15-3. Threatened and endangered wildlife; special permits. (a) The following definitions shall apply to this regulation:

(1) "action" means an activity which results in physical alteration of a listed species' habitat, physical disturbance of listed species, or destruction of individuals of a listed species;

(2) "critical habitat" means:

(A) specific areas documented as currently providing essential physical and biological features and supporting a self-sustaining population of a listed species; or

(B) specific areas not documented as currently supporting a listed species, but determined essential for the listed species by the secretary;

(3) "habitat" means the abode where a listed species is generally found and where all essentials for survival and growth of the listed species are present;

(4) "listed species" means those species listed in K.A.R. 115-15-1;

(5) "publicly funded" means any action of which planning and implementation are wholly funded with monies from federal, state or local units of government; and

(6) "state or federally assisted" means any action receiving technical assistance or partial funding from a state or federal governmental agency.

(b) Any person sponsoring or responsible for a publicly funded action, a state or federally assisted action, or an action requiring a permit from another state or federal government agency shall apply to the secretary for an action permit on forms provided by the department. An action permit application shall be submitted not less than 90 days prior to the proposed starting date of the planned action and shall include the following information:

(continued)

(1) location and description of the proposed action and, if required, detailed plans of the proposed action;

(2) an assessment of potential impacts resulting from the proposed action;

(3) proposed measures incorporated into the action plan to protect listed species or critical habitat of listed species; and

(4) other information required by the secretary.

(c) Any person sponsoring or responsible for an action not covered under subsection (b) and which will destroy individuals of any listed species shall apply to the secretary for an action permit on forms provided by the department. An action permit application shall be submitted not less than 30 days prior to the proposed starting date of the planned action and shall include the following information:

(1) location and description of the proposed action and, if required, detailed plans of the proposed action;

(2) an assessment of potential impacts resulting from the proposed action;

(3) proposed measures incorporated into the action plan to protect listed species or critical habitat of listed species; and

(4) other information required by the secretary.

(d) An action permit required under subsection (b) or (c) shall be issued by the secretary pursuant to a timely and complete application if the proposed action complies with the following conditions:

(1) sufficient mitigating or compensating measures to assure protection of either critical habitats, or listed species, or both as conditions require are incorporated into the proposed action;

(2) all federal laws protecting listed species.

(e) The secretary may provide for a public hearing on the proposed action prior to issuance of an action permit.

(f) In addition to other penalties prescribed by law, an action permit may be revoked by the secretary for:

(1) violation of conditions established by the permit;

(2) significant deviation of an action from the proposed action; or

(3) failure to perform or initiate performance of an action within one year after the proposed starting date unless otherwise specified in the permit or an extension has been authorized in writing by the secretary after a determination of no significant change in the proposed action. (Authorized by 1989 HB 2005, sections 92 and 94; implementing 1989 HB 2005, sections 92, 93, 94, 121 and 122; effective Oct. 30, 1989.)

Article 18.—SPECIAL PERMITS

115-18-1. Wildlife rehabilitation permit; application, reporting and general provisions. (a) Applications for wildlife rehabilitation permits shall be on forms provided by the department. Each applicant shall provide the following information:

(1) name of applicant;

(2) address;

(3) location or address of facilities if different from applicant's address;

(4) type of wildlife rehabilitation service to be provided;

(5) description of facilities available;

(6) applicant's qualifications to provide the services specified; and

(7) other information as required by the secretary.

(b) Each applicant shall allow an inspection of the rehabilitation facilities to be made by a department official. A permit shall not be issued until the rehabilitation facilities have been approved by the inspecting official.

(c) Permits issued shall be valid through December 31.

(d) A permittee may provide for subpermittees to operate under the authority of the permit during the effective period of the permit upon approval of the secretary.

(e) Each permittee shall maintain current records of wildlife rehabilitation services provided under the permit on report forms provided by the department.

(f) Each permittee shall submit a report of permit activity to the department prior to permit renewal, or not later than 20 days following permit expiration. The report shall include the following information:

(1) name of permittee;

(2) address;

(3) wildlife rehabilitation permit number;

(4) number and species of wildlife handled;

(5) disposition of wildlife handled;

(6) wildlife in possession on reporting date or on expiration date of permit; and

(7) other information as required by the secretary.

(g) Any person performing rehabilitation services and exempted by law from possessing a wildlife rehabilitation permit shall maintain records and submit a report as required by subsections (e) and (f) to the department on or before January 20 for activity which occurred during the prior year.

(h) Any person authorized by permit to perform wildlife rehabilitation services or exempt by law from possessing a wildlife rehabilitation permit may possess individual animals for treatment purposes on a temporary basis until the animal is disposed of as provided by subsections (i) or (k). Possession of an individual animal for treatment purposes shall not exceed one month unless an extension has been approved by the secretary or the secretary's designee.

(i) Any person authorized by permit to perform wildlife rehabilitation services or exempt by law from possessing a wildlife rehabilitation permit may temporarily possess and transport wildlife to another location within the state for purposes of providing treatment, for releasing in its natural habitat, or to transport to an approved temporary or permanent holding facility. Possession of an individual animal for transportation to another location shall not exceed one week.

(j) Any person may temporarily possess and transport sick or injured wildlife within the state to a person authorized to perform wildlife rehabilitation services for initial treatment. Possession of an individual animal for transportation for initial treatment shall not exceed one day.

(k) Any wildlife not disposed of as provided under subsection (i) shall be disposed of as directed by the secretary or the secretary's designee.

(l) Any person desiring to perform wildlife rehabilitation services for federally protected species shall also possess a federal rehabilitation permit issued pursuant to 50 C.F.R., part 21, section 21.27, as in effect on March 4, 1985, which is here adopted by reference.

(m) The care of, possession or transportation of fed-

(continued)

erally protect species shall be in accordance with the provision of 50 C.F.R., part 21, section 21.27, as in effect on March 4, 1985, which is here adopted by reference.

(n) In addition to other penalties prescribed by law, the secretary may refuse to issue or may revoke a permit if:

(1) the application is incomplete or contains false information;

(2) issuance of a permit would not be in the best interest of the public; or

(3) the permittee fails to meet permit requirements or violates permit conditions.

(o) This regulation shall be effective on and after January 1, 1990. (Authorized by 1989 HB 2005, sections 9 and 84; implementing 1989 HB 2005, sections 84 and 114; effective Jan. 1, 1990.)

115-18-2. Raptor propagation permit; application, reporting and general provisions. (a) Any person desiring to possess raptors for propagation purposes shall submit a copy of the person's application for a federal raptor propagation permit to the secretary. A letter of approval issued by the secretary shall satisfy the department's raptor propagation permit requirement, but shall not be effective until the applicant has been issued a federal raptor propagation permit by the U.S. fish and wildlife service.

(b) Each person issued a federal raptor propagation permit shall submit to the department a copy of the approved federal permit and copies of all reports required by the federal permit.

(c) Each permittee shall allow for inspection of the permittee's raptor propagation facilities and records by department officials. (Authorized by 1989 HB 2005, section 9; implementing 1989 HB 2005, sections 9 and 114; effective Oct. 30, 1989.)

115-18-3. Scientific, educational, or exhibition permit; application, reporting and general provisions.

(a) Applications for scientific, educational, or exhibition permits shall be on forms provided by the department. Each applicant shall provide the following information:

(1) name of applicant;

(2) address;

(3) number and common name of each species proposed for collecting;

(4) counties of the state where collecting would occur;

(5) methods of collecting;

(6) time period for collecting;

(7) purposes for collecting;

(8) disposition of collected species; and

(9) other information as required by the secretary.

(b) Each permit shall be valid during the time period as specified on the permit.

(c) Each permittee shall maintain a record of permit activity, and shall submit a report to the department on permit activity as required by provisions of the permit.

(d) Each person engaged in any activity covered by the permit shall have a copy of the permit in possession, and shall produce proof of authority to conduct permit activity if so requested by a department official.

(e) Each permittee shall conduct permitted activities only as authorized by law, rules and regulations or as authorized under provisions of the permit.

(f) Each permittee shall submit a copy of any required federal permit to the department when federally protected species are involved in scientific, educational or exhibition permit activity.

(g) Each permittee shall submit a copy of any technical reports, publications, techniques, or other product resulting from the use of a scientific, educational, or exhibition permit.

(h) In addition to other penalties prescribed by law, the secretary may refuse to issue or may revoke a scientific, educational, or exhibition permit if:

(1) the application is incomplete or contains false information;

(2) issuance of a permit would not be in the best interest of the public; or

(3) the permittee fails to meet permit requirements or violates permit conditions. (Authorized by 1989 HB 2005, sections 9 and 83; implementing 1989 HB 2005, section 83; effective Oct. 30, 1989.)

115-18-4. Handicapped persons vehicle permits for hunting; applications and requirements. (a) Any person unable to walk or able to walk only with the aid of orthopedic devices may apply to the secretary on forms provided by the department for a permit to hunt from a vehicle. Each applicant shall provide the following information:

(1) name of applicant;

(2) address;

(3) nature of handicap;

(4) a signed report by a physician licensed to practice medicine and surgery in this state, on forms provided by the department, which describes the handicap and specifies the handicap duration; and

(5) other information as required by the secretary.

(b) The secretary may require an applicant to obtain, at department expense, a second report from another physician licensed to practice medicine and surgery in this state.

(c) The permit shall be valid statewide.

(d) The permit shall be valid for the time period specified in the permit.

(e) The holder of a vehicle permit for hunting may shoot from a non-moving vehicle, but only in compliance with applicable state and federal laws and rules and regulations.

(f) The secretary may refuse to issue or may revoke a vehicle permit for hunting if:

(1) the handicap does not meet qualifications;

(2) the application is incomplete or contains false information; or

(3) the handicap under which the permit was issued no longer exists.

(g) Any person may assist the holder of a vehicle permit for hunting during the vehicle permit holder's hunting activity. Any person assisting a holder of a vehicle permit for hunting shall not perform the actual shooting of wildlife for the holder of a vehicle permit for hunting. (Authorized by and implementing 1989 HB 2005, section 68; effective Oct. 30, 1989.)

115-18-5. Handicapped persons special motor vehicle permit; applications and requirements. (a) Any res-

ident who has a permanent handicapped identification placard or a wheelchair license plate issued pursuant to K.S.A. 1988 Supp. 8-1,125, and amendments thereto, shall be issued upon request to the department an annual handicapped persons special motor vehicle permit for a vehicle for which that resident is the titleholder.

(b) Any resident who has a temporary handicapped identification placard issued pursuant to K.S.A. 1988 Supp. 8-1,125, and amendments thereto, shall be issued upon request to the department a temporary handicapped persons special motor vehicle permit.

(c) The special motor vehicle permit shall be affixed as required by K.A.R. 115-9-6. (Authorized by 1989 HB 2005, section 9; implementing 1989 HB 2005, section 54; effective Oct. 30, 1989.)

115-18-7. Permanently disabled persons use of crossbows for deer or antelope hunting; application, permit and general provisions. (a) Any permanently disabled person qualified to hunt deer or antelope with a crossbow and desiring to obtain a crossbow permit shall make application to the secretary on forms provided by the department. Each applicant shall provide the following information:

- (1) name of applicant;
- (2) address;
- (3) a physician's signed report, on forms provided by the department, which describes the permanent disability and certifies the applicant is physically incapable of using a bow; and
- (4) other information as required by the secretary.

(b) The secretary may require an applicant to obtain, at department expense, a second report from another physician.

(c) The secretary may refuse to issue or may revoke a crossbow permit if:

- (1) the physical disability does not meet qualifications;
- (2) the application is incomplete or contains false information; or
- (3) the physical disability under which the crossbow permit was issued no longer exists.

(d) A crossbow permit shall be valid statewide.

(e) A crossbow permittee may use a crossbow for hunting deer during any archery deer season and for hunting antelope during any archery antelope season subject to applicable rules and regulations governing archery hunting of deer or antelope including possession of a valid deer or antelope hunting permit issued by the department.

(f) Legal equipment for hunting deer or antelope by crossbow shall be:

- (1) crossbows of not less than 125 pounds draw and without telescopic sights; and
- (2) arrows not less than 16 inches in length, equipped with broadhead points and all metal cutting edges.

(g) Any person may assist the holder of a crossbow permit during the permittee's hunting activity. Any person assisting a holder of a crossbow permit shall not perform the actual shooting of deer or antelope for the permittee. (Authorized by 1989 HB 2303 and 1989 HB 2005, sections 9 and 60; implementing 1989 HB 2303; effective Oct. 30, 1989.)

Article 30.—BOATING

115-30-1. Display of identification number and decal. (a) All vessels required to be numbered pursuant to 1989 H.B. 2005, section 142, except sailboards, shall display the identification number stated on the certificate of number issued by the department to the vessel owner and the decals supplied by the department to the vessel owner as follows:

(1) each number consisting of a combination of capital letters and arabic numbers shall read from left to right and shall be preceded by the decal;

(2) each character of the number shall be in block form and easily read;

(3) each character of the number shall be of the same height and shall not be less than three inches in height;

(4) the number shall be of a color that contrasts with the color of the vessel; and

(5) a hyphen or equivalent space shall separate arabic numbers from capital letters occurring in the number.

(b) A sailboard shall display only the decals supplied by the department with the certificate of number issued to the sailboard owner. The decals shall be attached to the front half of the top of the sailboard. (Authorized by and implementing 1989 HB 2005, section 142; effective Oct. 30, 1989.)

ROBERT L. MEINEN
Secretary of Wildlife and Parks

Doc. No. 008289

State of Kansas

DEPARTMENT OF EDUCATION

PERMANENT ADMINISTRATIVE REGULATIONS

Article 31.—ACCREDITATION

91-31-3. Policies and programs. (a) (1) All orders, rules and regulations of the board of education shall be in writing and shall be made available for examination on request. The policies for the employment of staff or the selection of pupils shall not discriminate on the basis of race, religion, color, ethnic background, national origin, ancestry, physical handicap, or sex.

(2) The board of education shall adopt policies pertaining to the suspension and expulsion of pupils as provided by K.S.A. 72-8901 *et seq.* and copies shall be available for examination on request.

(b) Each board of education shall file its personnel evaluation policies and any amendments to those policies with the state board. All certified personnel shall be evaluated in accordance with the policies filed with the state board.

(c) The board of education shall adopt policies which govern the conduct of all persons employed by or attending schools of the district and shall provide specific procedures for enforcement of those policies. The board shall submit school conduct policies and amendments to its legal counsel for review and approval to assure compliance with city ordinances, state laws and constitutional requirements. Copies of policies and amendments shall

(continued)

be filed with the commissioner of education as provided by K.A.R. 91-15-1.

(d) Goals and objectives. Each unified school district and nonpublic school shall have educational goals and curricular objectives for each instructional area in the educational program. All such goals and objectives shall be reviewed annually. All goals and objectives shall be on file and shall be available for examination on request.

(e) Foreign language. Effective September 1, 1990, each board of education shall provide the opportunity for students to study a foreign language. The program of study shall provide for a minimum of two academic years of study of the same language at the elementary or secondary level. Total instructional time for elementary programs shall be equivalent to that of two-year secondary programs.

(f) Health services. Basic hearing screening, free dental inspection, and basic vision screening, are necessary health services for a student to remain in attendance at school. School districts providing other health services shall:

(1) Have available a licensed health care professional responsible for providing the health services, or training others to provide the services, or both;

(2) adopt policies related to the provision of health services; and

(3) provide the training necessary to comply with K.S.A. 1988 Supp. 65-1124 for those who are not licensed health care professionals but have been delegated the responsibility of providing emergency and other health services.

(g) Human sexuality.

(1) Each board of education shall provide a comprehensive education program in human sexuality, including information about sexually transmitted diseases, especially acquired immune deficiency syndrome (AIDS).

(2) The program shall:

(A) Include instruction at the elementary and secondary levels;

(B) require that teachers and building administrators have appropriate academic preparation or inservice training designed to develop a basic knowledge of and a sensitivity to the area of human sexuality;

(C) require that all teachers who teach courses in human sexuality hold appropriate certification to provide such instruction; except that until September 1, 1992, teachers assigned to teach human sexuality education shall hold any valid certification appropriate for the level; and

(D) include procedures whereby any pupil, whose parent or guardian so requests, shall be excused from any or all portions of the program without any penalty resulting from such action.

(3) Each board of education shall determine the specific curriculum of the program and the grades in which the program is to be offered. The curriculum shall be specified in writing and shall be on file in the board of education office.

(4) The provisions of this subsection shall not be construed as requiring, endorsing or encouraging the establishment of school-based health clinics or the teaching of birth control methods.

(h) Kansas history and government.

(1) Effective September 1, 1990, each board of education shall include in its social studies curriculum, within one of the grades seven to 12, a course of instruction in Kansas history and government. The course of instruction shall be for a minimum of nine consecutive weeks and not less than 1,800 minutes.

(2) Each board of education shall:

(A) Determine the specific curriculum and the grade in which the course of instruction is to be offered; and

(B) Waive this requirement for any student who transfers into the district at a grade level above that in which the course of instruction in Kansas history and government is taught. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution and K.S.A. 1988 Supp. 72-1117; effective May 1, 1983; amended Nov. 10, 1987; amended Oct. 30, 1989.)

91-31-4a. Distance learning. (a) Any school may provide a course or courses by means of distance learning, other than by means of a two-way visual interactive system, if a certified teacher is present in the classroom with the students and the teacher has had training in the role and responsibility of facilitating learning through distance learning technologies.

(b) A school may provide a course or courses by means of a two way visual interactive system only upon receiving permission to do so under the provisions of S.B.R. 91-31-4. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Oct. 30, 1989.)

91-31-11. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1988; revoked Oct. 30, 1989.)

91-31-12h. Graduation. (a) (1) Except as otherwise provided in this regulation, school policies shall stipulate that pupils shall be eligible for graduation only upon completion of requirements which include at least the following:

(A) Four units of English language arts, which shall include three units in English. The building administrator may waive up to one unit of this requirement if the administrator determines that a pupil can profit more by taking another subjects;

(B) three units of social studies, which shall include one unit of United States history and at least one-half unit of United States government, including the Constitution of the United States, and except as otherwise provided in S.B.R. 91-31-3(h), a course of instruction in Kansas history and government;

(C) two units of science, including one unit as a laboratory course;

(D) two units of mathematics;

(E) one unit of physical education, which may include one-half unit of health, safety, first aid, or physiology. This requirement shall be waived:

(i) upon receipt of a statement by a licensed physician that a pupil is mentally or physically incapable of participating in a regular or modified physical education program; or

(ii) when the requirement is contrary to the religious teachings of the pupil, as indicated in a written statement, signed by a lawful custodian of the pupil; and

(F) nine units of elective courses.

(2) A total of 21 units of credit shall be required for each graduating class.

(3) Any additional requirements of the board of education that increase the number of units of credit required for graduation shall apply to those students who will be in the ninth grade class the following school year.

(b) The governing body of any district may adopt written alternative graduation policies which indicate that a pupil will be eligible for graduation upon the completion of at least the minimum total units of credit required by paragraph (a)(2). The required units of credit shall include one unit of United States history and at least one-half unit of United States government, including the Constitution of the United States, and except as otherwise provided in S.B.R. 91-31-3(h), a course of instruction in Kansas history and government.

(c) Alternative graduation requirements established by any local board of education shall comply with statewide educational goals adopted by the state board and shall have broad-based community involvement in their formulation. These requirements shall have state board approval prior to implementation in the district. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution and K.S.A. 1988 Supp. 72-1117; effective May 1, 1983; amended May 1, 1985; amended May 1, 1987; amended May 1, 1988; amended Oct. 30, 1989.)

Article 33.—ACCREDITING SPECIAL PURPOSE SCHOOLS

91-33-3. Policies and organization. (a) Policies.

(1) All orders, rules and regulations of the governing body or board shall be in writing and shall be made available for examination on request.

(2) Personnel policies shall be adopted by the governing body or board and shall be made available for examination on request.

(3) Evaluation policies for certified personnel shall be adopted as prescribed by K.S.A. 72-9001 *et seq.*, and shall be filed with the state board.

(4) The governing body or board shall adopt policies regarding admission, promotion, and placement of students. These policies shall be made available for examination on request.

(5) Each special purpose school shall adopt policies governing the suspension or expulsion of students that conform with the provisions of K.S.A. 72-8901 *et seq.*

(b) Health services. Special purpose schools providing those health services, other than basic hearing screening, free dental inspection, and basic vision screening, which are necessary for a student to remain in attendance at school, shall:

(1) Have available a licensed health care professional responsible for providing the health services, or training others to provide the services, or both;

(2) adopt policies related to the provision of health services; and

(3) provide the training necessary to comply with K.S.A. 65-1124, and any amendments thereto, for those who have been delegated the responsibility of providing emergency and other health services, and who are not licensed health care professionals.

(c) Human sexuality.

(1) Each governing body or board shall provide a comprehensive education program in human sexuality, including information about sexually transmitted diseases, especially acquired immune deficiency syndrome (AIDS).

(2) The program shall:

(A) Require that teachers and building administrators have appropriate academic preparation, or have participated in inservice training, designed to develop a basic knowledge of and a sensitivity to the area of human sexuality;

(B) require that all teachers who teach courses in human sexuality hold appropriate certification to provide such instruction; except that until September 1, 1992, teachers assigned to teach human sexuality education shall hold any valid certification appropriate for the level; and

(C) include procedures whereby any pupil, whose parent or guardian so requests, shall be excused from any or all portions of the program without any penalty resulting from such action.

(3) Each governing board shall determine the specific curriculum of the program and the grades in which the program is to be offered. The curriculum shall be specified in writing and shall be on file in the special purpose school office.

(4) The provisions of this subsection shall not be construed as requiring, endorsing or encouraging the establishment of school-based health clinics or the teaching of birth control methods.

(d) Organization. (1) Any accredited special purpose school may provide any combination of instructional levels from preschool through maximum school age as provided by Kansas administrative regulations for special education. Any school which serves only preschool age exceptional children shall not be accredited as a special purpose school.

(2) Each special purpose school shall have a minimum of four staff members, including at least one full-time teacher. Paraprofessionals who are qualified to assist certified teachers in the instruction of exceptional children may be employed.

(3) The length of the school year shall be at least 180 days or 1080 instructional hours.

(4) The length of the school day shall be at least six hours, except as provided by K.S.A. 72-1106.

(5) Each special purpose school shall provide data as requested by a local school district or interlocal cooperative which is necessary for completing the annual special education survey.

(e) Kansas history and government.

(1) Effective September 1, 1990, each governing body or board shall include in its social studies curriculum, within one of the grades seven to 12 if the school offers any of these grades, a course of instruction in Kansas history and government. The course of instruction shall be for a minimum of nine consecutive weeks and not less than 1,800 minutes.

(2) Each governing body or board shall:

(A) Determine the specific curriculum and the grade in which the course of instruction is to be offered.

(B) Waive this requirement for any student who transfers into the school at a grade level above that in which

(continued)

the course of instruction in Kansas history and government is taught.

(f) Special, exemplary or innovative programs, waiver of regulations. Schools that have special, exemplary, or innovative education programs that do not meet all accreditation regulations may, prior to the beginning of the school term, submit a request for approval from the state board to conduct those programs. Approval shall be granted if the administrator has submitted the proposed program in writing, and the program includes:

(1) A statement citing how the program would be curtailed or prohibited if regulations of the state board are applied to the program;

(2) evidence that the goals and objectives of the program fall within statewide education goals defined by the state board;

(3) evidence that the program adopted is in compliance with Kansas statutes;

(4) evidence that the evaluation procedures for the program are identified in advance and provide valid and objective data for assessing its success; and

(5) evidence that all teachers of such programs have met criteria established by the state board. The state board shall notify the administrator in writing of approval or disapproval of the program.

(g) Distance learning.

(1) Any school may provide a course or courses by means of distance learning, other than by means of a two-way visual interactive system, if a certified teacher is present in the classroom with the students and the teacher has had training in the role and responsibility of facilitating learning through distance learning technologies.

(2) A school may provide a course or courses by means of a two-way visual interactive system only upon receiving permission to do so under the provisions of S.B.R. 91-33-3(f). (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution and K.S.A. 1988 Supp. 72-1117; effective May 1, 1984; amended Nov. 10, 1987; amended Oct. 30, 1989.)

91-33-8. Graduation. (a) (1) Except as otherwise provided in this regulation, school policies shall stipulate that students shall be eligible for graduation only upon completion of requirements which include at least the following:

(A) Four units of English language arts, which shall include three units in English. When, in the judgment of the school administrator, a student can profit more by taking another subject, the administrator may waive up to one unit of this requirement;

(B) three units of social studies which shall include one unit of United States history and at least one-half unit of United States government, including the constitution of the United States, and except as otherwise provided in S.B.R. 91-33-3(e), a course in Kansas history and government;

(C) two units of science, including one unit as a laboratory course;

(D) two units of mathematics;

(E) one unit of physical education, which may include one-half unit of health, safety, first aid, or physiology. This requirement shall be waived:

(i) upon receipt of a statement by a licensed physician

that a student is mentally or physically incapable of participating in a regular or adaptive physical education program; or

(ii) when the requirement is contrary to the religious teachings of the student, as indicated on a written statement signed by the lawful custodian of the student; and

(F) nine units of elective courses.

(2) A total of 21 units of credit shall be required for each graduating class.

(3) Any additional requirements of the governing body or board that increase the number of units of credit required for graduation shall apply to those students who will be in the tenth grade class the following school year.

(b) The governing body or board of a special purpose school may adopt written alternative graduation requirements, which indicate that students will be eligible for graduation upon the completion of at least the minimum total units of credit required by paragraph (a)(2). The required units of credit shall include one unit of United States history and at least one-half unit of United States government, including the constitution of the United States, and except as otherwise provided in S.B.R. 91-33-3 (e), a course in Kansas history and government.

(c) Alternative graduation requirements established by the governing body or board of any special purpose school shall comply with statewide educational goals as adopted by the state board. These requirements shall be set out in the local comprehensive plan. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution and K.S.A. 1988 Supp. 72-1117; effective May 1, 1984; amended May 1, 1985; amended May 1, 1988; amended Oct. 30, 1989.)

91-33-9. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984; amended May 1, 1988; revoked Oct. 30, 1989.)

Article 34.—REGULATIONS FOR ACCREDITING YOUTH CENTER SCHOOLS

91-34-6. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective November 10, 1987; revoked Oct. 30, 1989.)

91-34-7. Program and services. (a) Each youth center school shall be organized to include a program of studies to meet the educational needs of students. In addition, each youth center school granting high school credit shall organize its program on the basis of units of credit.

(1) Each accredited youth center school shall maintain, offer and teach courses that will allow students to complete graduation requirements.

(2) Each course or subject shall be taught by an appropriately certified teacher or teachers. Noninstructional activities may be supervised by an aide.

(b) Special education services shall be provided and shall meet the requirements of K.S.A. 72-933 *et seq.* and rules and regulations adopted by the state board.

(c) Accurate and complete records of student scholarship, attendance and activities shall be kept in a safe and fire-resistant compartment. Except as provided by K.S.A. 72-5386, when a student transfers to another school academic records shall follow the student on request. Stu-

dent records shall be maintained and released in compliance with the policy adopted by the school district providing services at the youth center school under the provisions of K.S.A. 72-6214.

(d) Each youth center school shall have educational goals and curricular objectives for each instructional area in the educational program. All such goals and objectives shall be reviewed annually. All goals and objectives shall be on file and copies shall be available to patrons, students, teachers, administrators and to the state board of education for examination on request.

(e) Each youth center school shall have a library media center.

(1) The library media center shall be organized as a resource center of instructional material for the educational program.

(2) The collection shall include a shelf list and shall be classified and alphabetically cataloged using the Dewey Decimal System.

(3) Inventory and financial records shall be accurate and up-to-date.

(4) Materials for teachers shall include professional magazines dealing with general teaching methods.

(f) Health services. Basic hearing screening, free dental inspection, and basic vision screening are necessary health services for a student to remain in attendance at school. School districts providing other health services shall:

(1) Have available a licensed health care professional responsible for providing the health services, or training others to provide the services, or both;

(2) adopt policies related to the provision of health services; and

(3) provide the training necessary to comply with K.S.A. 1988 Supp. 65-1124 for those who are not licensed health care professionals but have been delegated the responsibility of providing emergency and other health services.

(g) Human sexuality.

(1) Each youth center school shall provide a comprehensive education program in human sexuality, including information about sexually transmitted diseases, especially acquired immune deficiency syndrome (AIDS).

(2) The program shall: (A) Require that teachers and directors of education have appropriate academic preparation or inservice training designed to develop a basic knowledge of and a sensitivity to the area of human sexuality;

(B) require that all teachers who teach courses in human sexuality hold appropriate certification to provide such instruction; except that until September 1, 1992, teachers assigned to teach human sexuality education shall hold any valid certification appropriate for the level; and

(C) include procedures whereby any pupil, whose parent or guardian so requests, shall be excused from any or all portions of the program without any penalty resulting from such action.

(3) Each youth center school shall determine the specific curriculum of the program and the grades in which the program is to be offered. The curriculum shall be specified in writing and shall be on file in the youth center school office.

(4) The provisions of this subsection shall not be construed as requiring, endorsing or encouraging the estab-

lishment of school-based health clinics or the teaching of birth control methods.

(h) Placement of students in the educational program shall be determined according to a written placement policy and shall include the following:

(1) Past educational experience record;

(2) examinations administered by the youth center school; and

(3) successful performance levels at the level of assignment.

(i) Promotion shall be determined according to a written policy of the youth center school.

(j) The length of the school year shall be at least 225 school days or the equivalent of 1350 clock hours.

(k) The length of the school day shall be at least six hours.

(l) The number of students shall be limited to a maximum of 10 students per class with the exception of physical education classes. If the class has a teacher aide, the number of students may be increased to a maximum of 14 at the discretion of the director of education.

(m) Kansas history and government.

(1) Effective September 1, 1990, each youth center shall include in its social studies curriculum, within one of the grades seven to 12, a course of instruction in Kansas history and government. The course of instruction shall be for a minimum of nine consecutive weeks and not less than 1,800 minutes.

(2) Each youth center shall:

(A) Determine the specific curriculum and the grade in which the course of instruction is to be offered;

(B) Waive this requirement for any student who transfers into the school at a grade level above that in which the course of instruction in Kansas history and government is taught.

(n) Distance learning.

(1) Any school may provide a course or courses by means of distance learning, other than by means of a two-way visual interactive system, if a certified teacher is present in the classroom with the students and the teacher has had training in the role and responsibility of facilitating learning through distance learning technologies.

(2) A school may provide a course or courses by means of a two-way visual interactive system only upon receiving permission to do so upon written application to the state board. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution and K.S.A. 1988 Supp. 72-1117; effective Nov. 10, 1987; amended Oct. 30, 1989.)

91-34-13. Graduation. (a) Subject to the provisions of the subsection (b), each student shall be eligible for graduation from high school upon completion of the youth center school requirements for graduation, which shall include the following:

(1) Four units of English language arts, including three units in English. When the director of education determines that a student can profit more by taking another subject, the director of education may waive up to one unit of this requirement;

(2) three units of social studies, which shall include one unit of United States history and at least one-half unit of United States government, including the Constitution of

(continued)

the United States, and except as otherwise provided in S.B.R. 91-34-7 (m), a course of instruction in Kansas history and government;

(3) two units of science, including one unit as a laboratory course;

(4) two units of mathematics;

(5) one unit of physical education, which may include one-half unit of health, safety, first aid, or physiology. This requirement shall be waived: (A) Upon receipt of a statement by a licensed physician that a pupil is mentally or physically incapable of participating in a regular or modified physical education program; or

(B) When the requirement is contrary to the religious teachings of the student as indicated in a written statement, signed by a lawful custodian of the student;

(6) nine units of elective courses;

(7) a total of 21 units of credit shall be required for each graduating class.

(b) The director of education may establish written alternative graduation requirements, for adoption by the contracting board of education, which provide that students will be eligible for graduation upon completion of at least the minimum total units of credit required by paragraph (a)(7) of this regulation. The required units of credit shall include one unit of United States history and at least one-half unit of United States government, including the Constitution of the United States, and except as otherwise provided in S.B.R. 91-34-7 (m), a course of instruction in Kansas history and government.

Alternative graduation requirements established for any youth center school shall comply with statewide educational goals, as adopted by the state board and shall have state board approval prior to implementation in the youth center school. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution and K.S.A. 1988 Supp. 72-1117; effective Nov. 10, 1987; amended Oct. 30, 1989.)

DR. LEE DROEGEMUELLER
Commissioner of Education

Doc. No. 008288

State of Kansas

BOARD OF INDIGENTS' DEFENSE SERVICES

PERMANENT ADMINISTRATIVE REGULATIONS

Article 3.—APPOINTED ATTORNEYS

105-3-2. Eligibility to serve. (a) Each licensed attorney engaged in private practice of law shall be eligible to serve on the panel provided that:

(1) After January 1, 1992, each attorney on the voluntary panel shall have completed 12 hours of continuing legal education in the area of criminal law or have graduated from an accredited law school during the three years immediately preceding appointment to represent an indigent defendant.

(2) Each attorney assigned to the defense of class B or

C felonies shall have tried to verdict five or more prior felony jury trials, either as defense counsel or prosecutor.

(3) Each attorney assigned to the defense of any class A felony shall have tried to verdict five or more jury trials of class A, B or C felonies, either as defense counsel or prosecutor.

(b) Any of the above conditions may be waived by the judge if the attorney selected by the judge has sufficient training and experience to undertake the case in question. (Authorized by K.S.A. 22-4501 and 22-4522; implementing K.S.A. 22-4501 and 22-4522; effective May 1, 1984; amended T-105-7-29-88, July 1, 1988; amended Nov. 1, 1988; amended Oct. 30, 1989.)

Article 5.—ATTORNEY COMPENSATION

105-5-6. Reasonable compensation; non-tried cases.

(a) Each appointed and assigned attorney shall be compensated for time expended in representing indigent defendants and other indigent persons at the hourly rate prescribed in K.A.R. 105-5-2. Except as provided in K.A.R. 105-5-8, reasonable compensation shall not exceed \$1,000 in the following cases:

(1) Class A, B and C felony cases in the trial court that are not submitted to a judge or jury, including services at a preliminary hearing and sentencing, if applicable; and

(2) class D and E felony cases in the trial court that have not been submitted to a judge or jury and in which there have been six hours or more spent in court in defense of the indigent defendant, including services at a preliminary hearing and sentencing, if applicable.

(b) Except as provided in K.A.R. 105-5-8 and K.A.R. 105-5-6(a), reasonable compensation shall not exceed \$750 in class D and E felony cases in the trial court that are not submitted to a judge or jury. This includes services at a preliminary hearing and sentencing, if applicable.

(c) Except as provided in K.A.R. 105-5-8 and K.A.R. 105-5-6(a), reasonable compensation shall not exceed \$400 in the following types of cases:

(1) Habeas corpus cases as authorized by K.S.A. 22-4506;

(2) cases filed pursuant to K.S.A. 60-1507 and K.S.A. 22-4506;

(3) habeas corpus cases as authorized by K.S.A. 22-2710;

(4) habeas corpus cases as authorized by K.S.A. 22-3428; and

(5) habeas corpus cases as authorized by K.S.A. 1988 Supp. 59-2917.

(d) Except as provided in K.A.R. 105-5-8, reasonable compensation shall not exceed \$200 in the following types of cases:

(1) Representation of grand jury witnesses determined to be indigent and called to testify pursuant to K.S.A. 22-3009;

(2) representation of indigent persons committed to custody as material witnesses pursuant to K.S.A. 22-2805;

(3) probation revocation hearings; and

(4) motions to modify sentence pursuant to K.S.A. 21-4603. (Authorized by K.S.A. 22-4507 and 22-4522; implementing K.S.A. 21-4603, K.S.A. 22-2710, K.S.A. 22-2805, K.S.A. 22-3009, K.S.A. 22-3428, 22-3716, 22-4506, 22-4507, K.S.A. 1988 Supp. 59-2917 and K.S.A. 60-1507;

effective May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1988; amended T-105-6-13-88, July 1, 1988; amended Nov. 1, 1988; amended Oct. 30, 1989.)

105-5-7. Reasonable compensation; tried cases. Each appointed and assigned attorney shall be compensated for time expended in representing indigent defendants at the hourly rate prescribed in K.A.R. 105-5-2. Except as provided in K.A.R. 105-5-8, reasonable compensation for felony cases tried on pleas of not guilty and submitted to a judge or jury for adjudication, including compensation for services at the preliminary hearing, sentencing and motions to modify sentence shall not exceed \$1,500 for D and E felonies, \$2,000 for C felonies and \$5,000 for A and B felonies. (Authorized by K.S.A. 22-4507 and 22-4522; implementing K.S.A. 22-4507; effective May 1, 1984; amended T-105-6-13-88, July 1, 1988; amended Nov. 1, 1988; amended Oct. 30, 1989.)

105-5-8. Compensation; exceptional cases. (a) Any compensation for attorneys' services in excess of the amounts set out in K.A.R. 105-5-6 and K.A.R. 105-5-7 may be approved only in exceptional cases. An exceptional case is:

(1) Any case involving a Class A or Class B felony charge in the trial court; or

(2) any felony case tried on a not guilty plea in which there have been 25 or more hours spent in court in defense of the indigent defendant; or

(3) any felony case not submitted to a judge or jury in which there have been ten hours or more of in-court time spent in defense of the indigent defendant; or

(4) any such case that has been declared an exceptional case by the court due to its complexity or other significant characteristics. A finding by the court that a case is exceptional is subject to final approval by the board.

(b) Each claim for compensation in an exceptional case shall be accompanied by a specific finding in a court order setting forth the basis for the declaration that the case is exceptional.

(c) Reasonable compensation for attorneys' services in exceptional cases shall not exceed \$5,000 per case. However, the board may approve additional compensation if warranted by the extreme complexity of the case. (Authorized by K.S.A. 22-4507 and 22-4522; implementing K.S.A. 22-4507; effective May 1, 1984; amended T-105-6-13-88, July 1, 1988; amended Nov. 1, 1988; amended Oct. 30, 1989.)

Article 7.—INVESTIGATIVE, EXPERT OR OTHER SERVICES

105-7-5. Psychiatric or psychological services. Each individual performing psychiatric or psychological services shall be compensated at a rate not to exceed \$30 per hour unless a higher rate has been approved in advance by the director. (Authorized by K.S.A. 22-4507 and 22-4522; implementing K.S.A. 22-4507 and 22-4508; effective May 1, 1984; amended Oct. 30, 1989.)

Article 8.—COURT REPORTERS; TRANSCRIPTS

105-8-4. Claims not allowed. Claims by court re-

porters for transcripts of pleas of guilty or nolo contendere, preliminary hearings, voir dire proceedings, opening statements or closing statements shall not be compensated except when the defendant alleges that it is necessary to enable the person to present the appeal adequately. (Authorized by K.S.A. 22-4507; implementing K.S.A. 22-4509; effective May 1, 1984; amended Oct. 30, 1989.)

Article 10.—SYSTEMS FOR PROVIDING LEGAL DEFENSE SERVICES FOR INDIGENT PERSONS

105-10-1. Public defender systems at the trial level.

(a) The public defender office shall provide indigent felony and related defense services at the trial level in the following districts and in all other counties which are served by one of the following public defender offices by mutual agreement between the district administrative judge for that county and the board:

- (1) the third judicial district;
- (2) the eighth judicial district;
- (3) the tenth judicial district;
- (4) the eighteenth judicial district; and
- (5) the twenty-eighth judicial district.

(b) The conflicts attorney office shall provide indigent felony and related defense services at the trial level for those cases in Shawnee county that cannot be handled by the third judicial district public defender office due to potential conflicts of interest.

(c) In the public defender districts designated above, the trial court shall appoint the public defender to provide felony defense services in all felony and other cases set forth in K.A.R. 105-1-1(a) with the following exceptions:

(1) If K.A.R. 105-10-2 requires the appointment of the state appellate defender;

(2) if a conflict of interest will not permit the public defender to represent the defendant and the conflicts attorney office is not available; or

(3) if the public defender office withdraws from the case as provided in K.A.R. 105-21-3.

(d) If one of the exceptions stated above prevents the appointment of the public defender, the court shall appoint an attorney as provided in K.A.R. 105-3-1 on a form approved by the board. (Authorized by K.S.A. 22-4501 and 22-4522; implementing K.S.A. 22-4503 and 22-4522; effective, T-86-33, October 23, 1985; effective May 1, 1986; amended Nov. 1, 1988; amended T-105-6-22-89, June 22, 1989; amended Oct. 30, 1989.)

RON MILES
Executive Director

Doc. No. 008287

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. This cumulative index supplements the index found in the 1989 Index Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-2-1	Revoked	V. 8, p. 1207
1-5-9	Amended	V. 8, p. 1207
1-5-10	Amended	V. 8, p. 1207
1-5-11	Amended	V. 8, p. 130
1-5-13	Amended	V. 8, p. 130
1-5-15	Amended	V. 8, p. 130
1-5-19b	Amended	V. 8, p. 1208
1-5-19c	Amended	V. 8, p. 1208
1-5-24	Amended	V. 8, p. 1209
1-5-29	New	V. 8, p. 1210
1-6-24	Amended	V. 8, p. 131
1-6-31	New	V. 8, p. 131
1-7-10	Amended	V. 8, p. 1210
1-62-1	New	V. 8, p. 1004

AGENCY 4: BOARD OF AGRICULTURE

Reg. No.	Action	Register
4-1-17	Amended	V. 8, p. 1004
4-1-17	Amended	V. 8, p. 1070
4-2-17	Revoked	V. 8, p. 1004
4-2-17	Revoked	V. 8, p. 1087
4-2-17a	New	V. 8, p. 1004
4-2-17a	New	V. 8, p. 1087
4-4-2	Amended	V. 8, p. 1005
4-4-2	Amended	V. 8, p. 1070
4-33-1	New	V. 8, p. 132

AGENCY 5: BOARD OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-23-3	Amended	V. 8, p. 1088
5-23-4	Amended	V. 8, p. 1089
5-23-9	Revoked	V. 8, p. 1089

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-34-1	New	V. 8, p. 1139
7-34-1	New	V. 8, p. 1183

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-18-1	New	V. 8, p. 1138
9-18-1	New	V. 8, p. 1183

AGENCY 14: DEPARTMENT OF REVENUE—DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Reg. No.	Action	Register
14-17-6	New	V. 8, p. 750

AGENCY 16: ATTORNEY GENERAL

Reg. No.	Action	Register
16-7-1 through 16-7-9	New	V. 8, p. 1326, 1327

AGENCY 22: STATE FIRE MARSHAL

Reg. No.	Action	Register
22-1-1	Amended	V. 8, p. 1090
22-1-2	Amended	V. 8, p. 1090
22-3-1	Amended	V. 8, p. 1090
22-3-2	New	V. 8, p. 1090
22-5-6	New	V. 8, p. 1090
22-6-17	New	V. 8, p. 1090
22-8-1	Amended	V. 8, p. 1091
22-10-3	Amended	V. 8, p. 1091

22-10-12	Amended	V. 8, p. 1092
22-10-17	New	V. 8, p. 1092
22-13-35	Amended	V. 8, p. 1092

AGENCY 25: GRAIN INSPECTION DEPARTMENT

Reg. No.	Action	Register
25-4-1	Amended	Vol. 8, p. 1290

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-16-110 through 28-16-138	New	V. 8, p. 517-520
28-19-7	Amended	V. 8, p. 1291
28-19-8	Amended	V. 8, p. 1292
28-19-14	Amended	V. 8, p. 1293
28-19-16a	Amended	V. 8, p. 1294
28-19-17a	Amended	V. 8, p. 1296
28-19-17b	Amended	V. 8, p. 1296
28-19-17c	Amended	V. 8, p. 1297
28-19-17g	Amended	V. 8, p. 1298
28-19-17i	Amended	V. 8, p. 1298
28-19-20	Amended	V. 8, p. 1298
28-19-21	Amended	V. 8, p. 1298
28-19-56	Amended	V. 8, p. 1298
28-33-11	New	V. 8, p. 1211
28-33-12	New	V. 8, p. 1212
28-39-77	Amended	V. 8, p. 200
28-39-87	Amended	V. 8, p. 871
28-39-200	Revoked	V. 8, p. 201
28-39-202 through 28-39-218	Revoked	V. 8, p. 201
28-39-225	Amended	V. 8, p. 201
28-39-226	Amended	V. 8, p. 203

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-4-50	Amended	V. 8, p. 1180
30-4-54	Amended	V. 8, p. 1180
30-4-56	Revoked	V. 8, p. 714
30-4-57	Amended	V. 8, p. 1180
30-4-58	Amended	V. 8, p. 1180
30-4-62	Amended	V. 8, p. 1180
30-4-63	Amended	V. 8, p. 1180
30-4-64	New	V. 8, p. 1180
30-4-70	Amended	V. 8, p. 714
30-4-73	Amended	V. 8, p. 1181
30-4-74	Amended	V. 8, p. 715
30-4-75	Amended	V. 8, p. 715
30-4-85a	Amended	V. 8, p. 1181
30-4-90	Amended	V. 8, p. 1182
30-4-100	Amended	V. 8, p. 715
30-4-101	Amended	V. 8, p. 715
30-4-102	Amended	V. 8, p. 715
30-4-110	Amended	V. 8, p. 1182
30-4-111	Amended	V. 8, p. 1182
30-4-112	Amended	V. 8, p. 1182
30-4-113	Amended	V. 8, p. 1182
30-4-120	Amended	V. 8, p. 1182
30-4-130	Amended	V. 8, p. 1182
30-4-140	Amended	V. 8, p. 715
30-5-58	Amended	V. 8, p. 715
30-5-59	Amended	V. 8, p. 1182
30-5-60	Amended	V. 8, p. 717
30-5-70	Amended	V. 8, p. 717
30-5-76	New	V. 8, p. 717
30-5-81	Amended	V. 8, p. 718
30-5-81	Amended	V. 8, p. 1205
30-5-81a	Amended	V. 8, p. 718
30-5-81b	Amended	V. 8, p. 718
30-5-81d	Revoked	V. 8, p. 718
30-5-81q	Revoked	V. 8, p. 718
30-5-81r	Revoked	V. 8, p. 718
30-5-81s	Revoked	V. 8, p. 718
30-5-81t	Amended	V. 8, p. 718
30-5-81u	New	V. 8, p. 718
30-5-81v	New	V. 8, p. 718
30-5-82	Amended	V. 8, p. 719
30-5-84	Amended	V. 8, p. 719
30-5-88	Amended	V. 8, p. 719
30-5-88	Amended	V. 8, p. 1206
30-5-89	Amended	V. 8, p. 719

30-5-94	Amended	V. 8, p. 719
30-5-95	Amended	V. 8, p. 719
30-5-100	Amended	V. 8, p. 1182
30-5-108	Amended	V. 8, p. 719
30-5-110	Amended	V. 8, p. 719
30-5-115	New	V. 8, p. 719
30-5-115a	New	V. 8, p. 719
30-5-116	New	V. 8, p. 719
30-5-116a	New	V. 8, p. 720
30-5-169	Amended	V. 8, p. 720
30-6-35	Amended	V. 8, p. 720
30-6-53	Amended	V. 8, p. 720
30-6-56	Amended	V. 8, p. 720
30-6-57	Revoked	V. 8, p. 1182
30-6-58	Revoked	V. 8, p. 1182
30-6-63	Amended	V. 8, p. 1182
30-6-65	Amended	V. 8, p. 1182
30-6-73	Amended	V. 8, p. 1182
30-6-74	Amended	V. 8, p. 721
30-6-77	Amended	V. 8, p. 721
30-6-86	Amended	V. 8, p. 721
30-6-103	Amended	V. 8, p. 1183
30-6-106	Amended	V. 8, p. 1183
30-6-109	Amended	V. 8, p. 721
30-6-110 through 30-6-113	Amended	V. 8, p. 1183
30-7-26 through 30-7-63	Revoked	V. 8, p. 721
30-7-64 through 30-7-78	New	V. 8, p. 721-724
30-7-68	Amended	V. 8, p. 1183

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-16-1	Amended	V. 8, p. 1162

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-28	Amended	V. 8, p. 452
40-1-34	Amended	V. 8, p. 798
40-1-37	New	V. 8, p. 798
40-2-12	Amended	V. 8, p. 452
40-3-5	Amended	V. 8, p. 454
40-3-42	New	V. 8, p. 1323
40-3-43	New	V. 8, p. 1139
40-3-43	New	V. 8, p. 1184
40-3-44	New	V. 8, p. 454
40-3-45	New	V. 8, p. 1006
40-4-35	Amended	V. 8, p. 515
40-4-35	Amended	V. 8, p. 558
40-4-35a	New	V. 8, p. 454
40-4-38	New	V. 8, p. 455
40-5-108	Amended	V. 8, p. 800
40-7-7	Amended	V. 8, p. 455
40-7-13	Amended	V. 8, p. 455
40-7-20	Revoked	V. 8, p. 455
40-7-20a	New	V. 8, p. 455
40-7-21	Amended	V. 8, p. 457
40-7-21	Amended	V. 8, p. 516

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-11-113	Amended	V. 8, p. 451
44-11-121	Amended	V. 8, p. 451
44-11-123	Amended	V. 8, p. 451

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-3	Amended	V. 8, p. 712
63-1-4	Amended	V. 8, p. 712
63-1-6	Amended	V. 8, p. 712
63-1-12	Amended	V. 8, p. 713
63-6-3	Amended	V. 8, p. 713
63-6-6	Amended	V. 8, p. 714
63-6-7	Revoked	V. 8, p. 714
63-6-8	Revoked	V. 8, p. 714

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-2	Amended	V. 8, p. 252
68-5-11	Revoked	V. 8, p. 252

68-7-11	Amended	V. 8, p. 252
68-7-12	Amended	V. 8, p. 253
68-9-1	Amended	V. 8, p. 253
68-20-1	Amended	V. 8, p. 254
68-20-16	Amended	V. 8, p. 255

AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS

Reg. No.	Action	Register
70-5-1	Amended	V. 8, p. 750

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-2-7	Amended	V. 8, p. 161, 162
71-2-9	Amended	V. 8, p. 162
71-2-11	Amended	V. 8, p. 163
71-2-12	Amended	V. 8, p. 163
71-2-13	Revoked	V. 8, p. 163

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-5-202	Amended	V. 8, p. 493
74-5-203	Amended	V. 8, p. 493
74-6-2	Amended	V. 8, p. 1069
74-12-1	Amended	V. 8, p. 493

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-5-6	Amended	V. 8, p. 132
81-5-6	Amended	V. 8, p. 333

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-105	Amended	V. 8, p. 425
82-3-106	Amended	V. 8, p. 425
82-3-107	Amended	V. 8, p. 426
82-3-109	Amended	V. 8, p. 427
82-3-114	Amended	V. 8, p. 427
82-3-120	Amended	V. 8, p. 428
82-3-123	Amended	V. 8, p. 428
82-3-123a	New	V. 8, p. 429
82-3-124	Amended	V. 8, p. 429
82-3-130	Amended	V. 8, p. 430
82-3-139	Amended	V. 8, p. 430
82-3-140	Amended	V. 8, p. 430
82-3-142	New	V. 8, p. 430
82-3-143	New	V. 8, p. 430
82-3-203	Amended	V. 8, p. 431
82-3-205	Amended	V. 8, p. 431
82-3-305	Amended	V. 8, p. 431
82-3-311	Amended	V. 8, p. 431
82-3-400	Amended	V. 8, p. 432
82-3-401	Amended	V. 8, p. 432
82-3-402	Amended	V. 8, p. 434
82-3-405	Amended	V. 8, p. 434
82-3-407	Amended	V. 8, p. 435
82-3-408	Amended	V. 8, p. 435
82-3-409	Amended	V. 8, p. 435
82-11-1 through 82-11-7	Revoked	V. 8, p. 517
82-11-1 through 82-11-9	New	V. 8, p. 377-383

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-27b	Amended	V. 8, p. 94
91-1-32	Amended	V. 8, p. 94
91-1-32a	Revoked	V. 8, p. 94
91-1-33	Amended	V. 8, p. 94
91-1-38	Revoked	V. 8, p. 95
91-1-58	Amended	V. 8, p. 95
91-1-60	Amended	V. 8, p. 95
91-1-79	Amended	V. 8, p. 95
91-1-85	Amended	V. 8, p. 95
91-1-92	Amended	V. 8, p. 96
91-1-107a	Amended	V. 8, p. 96
91-1-128a	Amended	V. 8, p. 98
91-1-129a	Amended	V. 8, p. 98
91-1-131	Amended	V. 8, p. 99
91-1-132a	Amended	V. 8, p. 100
91-1-149	New	V. 8, p. 101
91-1-150	New	V. 8, p. 101

91-16-30	New	V. 8, p. 423
91-19-1	Amended	V. 8, p. 101
91-19-2	Amended	V. 8, p. 101
91-19-6	Amended	V. 8, p. 102
91-31-1	Amended	V. 8, p. 102
91-31-2	Amended	V. 8, p. 102
91-31-7	Amended	V. 8, p. 103
91-31-12a	Amended	V. 8, p. 104
91-31-13	Amended	V. 8, p. 104
91-31-14	New	V. 8, p. 105
91-31-14a	Amended	V. 8, p. 105
91-33-1	Amended	V. 8, p. 105
91-33-5	Amended	V. 8, p. 106
91-34-1	Amended	V. 8, p. 106
91-34-2	Amended	V. 8, p. 106
91-34-3	Amended	V. 8, p. 107

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-9-6	Revoked	V. 8, p. 751
92-9-6a	New	V. 8, p. 751
92-56-1 through 92-56-5	New	V. 8, p. 1324, 1325

AGENCY 98: KANSAS WATER OFFICE

Reg. No.	Action	Register
98-6-1 through 98-6-4	New	V. 8, p. 1121, 1122

AGENCY 99: BOARD OF AGRICULTURE—DIVISION OF WEIGHTS AND MEASURES

Reg. No.	Action	Register
99-25-1	Amended	V. 8, p. 1005
99-25-3	Amended	V. 8, p. 1005
99-31-1	Amended	V. 8, p. 132

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended	V. 8, p. 654
100-11-1	Amended	V. 8, p. 1069
100-49-4	Amended	V. 8, p. 654
100-49-4	Amended	V. 8, p. 1069

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-7	Amended	V. 8, p. 906
102-1-15	Amended	V. 8, p. 906
102-2-1a	Amended	V. 8, p. 204
102-4-1	New	V. 8, p. 204
102-4-1	New	V. 8, p. 335
102-4-3 through 102-4-11	New	V. 8, p. 205-209
102-4-3 through 102-4-11	New	V. 8, p. 335-339

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-10-1	Amended	V. 8, p. 1070

AGENCY 109: EMERGENCY MEDICAL SERVICES BOARD

Reg. No.	Action	Register
109-1-1	Amended	V. 8, p. 873
109-2-1	Amended	V. 8, p. 874
109-2-2	Amended	V. 8, p. 874
109-2-4	Amended	V. 8, p. 874
109-2-5 through 109-2-9	Amended	V. 8, p. 874-877
109-2-10	Revoked	V. 8, p. 877
109-2-11	Amended	V. 8, p. 877
109-2-12	Amended	V. 8, p. 878
109-3-1	New	V. 8, p. 879
109-4-1	Amended	V. 8, p. 879
109-4-2	Amended	V. 8, p. 880
109-4-3	Amended	V. 8, p. 880
109-5-1	Amended	V. 8, p. 881
109-5-2	Amended	V. 8, p. 881
109-5-3	Amended	V. 8, p. 881
109-8-1	New	V. 8, p. 882
109-9-1	New	V. 8, p. 882
109-9-2	New	V. 8, p. 882

109-9-4	New	V. 8, p. 882
109-10-1	New	V. 8, p. 883
109-11-1 through 109-11-8	New	V. 8, p. 883-885
109-12-1	New	V. 8, p. 885
109-12-2	New	V. 8, p. 886

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-3-1 through 110-3-11	New	V. 8, p. 28-30

AGENCY 111: THE KANSAS LOTTERY

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 8, p. 586
111-2-1	Amended	V. 7, p. 1995
111-2-5	Revoked	V. 8, p. 1085
111-2-6	New	V. 8, p. 134
111-2-7	Amended	V. 8, p. 586
111-2-8	New	V. 8, p. 376
111-2-9	New	V. 8, p. 587
111-2-10	New	V. 8, p. 587
111-2-11	New	V. 8, p. 751
111-2-12	Amended	V. 8, p. 800
111-3-1	Amended	V. 7, p. 1061
111-3-3	Revoked	V. 7, p. 1062
111-3-4	Revoked	V. 7, p. 1062
111-3-7	Revoked	V. 7, p. 1714
111-3-9	Amended	V. 8, p. 1085
111-3-10 through 111-3-31	New	V. 7, p. 201-206
111-3-10	Revoked	V. 7, p. 1062
111-3-11	Amended	V. 8, p. 299
111-3-12	New	V. 8, p. 587
111-3-13	Amended	V. 7, p. 1062
111-3-14	Amended	V. 8, p. 587
111-3-14a	Amended	V. 8, p. 1085
111-3-16	Amended	V. 7, p. 1309
111-3-17	Revoked	V. 7, p. 1714
111-3-19 through 111-3-22	Amended	V. 7, p. 1309, 1310
111-3-20	Amended	V. 8, p. 1085
111-3-21	Amended	V. 7, p. 1606
111-3-22	Amended	V. 8, p. 1085
111-3-22a	New	V. 8, p. 589
111-3-25	New	V. 7, p. 1310
111-3-27	New	V. 7, p. 1310
111-3-30	Revoked	V. 7, p. 1310
111-3-31	Amended	V. 8, p. 209
111-3-32	New	V. 7, p. 931
111-3-33	New	V. 7, p. 1434
111-4-1	Amended	V. 8, p. 134
111-4-2	Amended	V. 7, p. 1063
111-4-4	Amended	V. 7, p. 1063
111-4-6	Amended	V. 7, p. 1434
111-4-7	Amended	V. 7, p. 1945
111-4-8	Amended	V. 7, p. 1064
111-4-12	Amended	V. 7, p. 1190
111-4-16	Revoked	V. 8, p. 209
111-4-19	Revoked	V. 7, p. 206
111-4-22 through 111-4-40	Revoked	V. 7, p. 206, 207
111-4-41	Revoked	V. 7, p. 1435
111-4-42	Revoked	V. 7, p. 1435
111-4-43	Revoked	V. 7, p. 207
111-4-44	Revoked	V. 7, p. 1435
111-4-46 through 111-4-64	Revoked	V. 7, p. 207
111-4-66	New	V. 7, p. 207-209
111-4-67	Amended	V. 8, p. 1086
111-4-68	Amended	V. 8, p. 590
111-4-69	Amended	V. 7, p. 931
111-4-70	Amended	V. 8, p. 134
111-4-71	Amended	V. 8, p. 590

(continued)

111-4-71a	Amended	V. 7, p. 1435
111-4-71b	New	V. 8, p. 333
111-4-72	Amended	V. 8, p. 134
111-4-73	Amended	V. 8, p. 590
111-4-73a	Revoked	V. 8, p. 134
111-4-74	Amended	V. 7, p. 931
111-4-75	Amended	V. 8, p. 752
111-4-77a	Amended	V. 8, p. 590
111-4-77b	New	V. 8, p. 590
111-4-78		
through		
111-4-82	Revoked	V. 8, p. 13
111-4-82a	Revoked	V. 8, p. 13
111-4-83		
through		
111-4-87	Revoked	V. 8, p. 13
111-4-88		
through		
111-4-91	Revoked	V. 8, p. 210
111-4-92		
through		
111-4-95	Revoked	V. 8, p. 299
111-4-96		
through		
111-4-114	New	V. 7, p. 1606-1610
111-4-99a	New	V. 7, p. 1807
111-4-99b	New	V. 7, p. 1807
111-4-100	Amended	V. 8, p. 1328
111-4-101	Amended	V. 8, p. 1328
111-4-102	Amended	V. 8, p. 1328
111-4-104	Amended	V. 8, p. 1328
111-4-105	Amended	V. 8, p. 1328
111-4-115		
through		
111-4-118	New	V. 7, p. 1946, 1947
111-4-118a	New	V. 8, p. 13
111-4-119		
through		
111-4-125	New	V. 8, p. 135, 136
111-4-126		
through		
111-4-129	New	V. 8, p. 376, 377
111-4-130		
through		
111-4-137	New	V. 8, p. 591, 592
111-4-137	Amended	V. 8, p. 1086
111-4-138		
through		
111-4-152	New	V. 8, p. 654-656
111-4-153		
through		
111-4-160	New	V. 8, p. 970, 971
111-4-160	Amended	V. 8, p. 1329
111-4-161		
through		
111-4-176	New	V. 8, p. 936-938
111-4-177		
through		
111-4-180	New	V. 8, p. 1086, 1087
111-4-181		
through		
111-4-184	New	V. 8, p. 1329
111-5-1		
through		
111-5-23	New	V. 7, p. 209-213
111-5-9		
through		
111-5-15	Amended	V. 8, p. 210, 211
111-5-17	Amended	V. 8, p. 211
111-5-19	Amended	V. 8, p. 212
111-5-20	Revoked	V. 8, p. 212
111-5-21	Amended	V. 8, p. 1330
111-6-1		
through		
111-6-15	New	V. 7, p. 213-217
111-6-1	Amended	V. 8, p. 212
111-6-12	Amended	V. 8, p. 212
111-6-13	Amended	V. 8, p. 299
111-6-16	Revoked	V. 8, p. 212
111-6-17	New	V. 7, p. 1191

111-7-1		
through		
111-7-10	New	V. 7, p. 1192, 1193
111-7-1	Amended	V. 8, p. 212
111-7-4	Amended	V. 7, p. 1610
111-7-5	Amended	V. 7, p. 1610
111-7-11	New	V. 7, p. 1224
111-7-12		
through		
111-7-32	New	V. 7, p. 1194-1196
111-7-12		
through		
111-7-27	Revoked	V. 7, p. 1436, 1437
111-7-28	Amended	V. 8, p. 1330
111-7-32a	Revoked	V. 8, p. 1330
111-7-32b	Revoked	V. 8, p. 1330
111-7-33		
through		
111-7-43	New	V. 7, p. 1197, 1198
111-7-33	Revoked	V. 7, p. 1437
111-7-33a	New	V. 8, p. 300
111-7-34a	Revoked	V. 8, p. 1330
111-7-37a	Revoked	V. 8, p. 1330
111-7-43	Revoked	V. 8, p. 212
111-8-1	New	V. 7, p. 1633
111-8-2	New	V. 7, p. 1633
111-8-3	Amended	V. 8, p. 752
111-8-4	New	V. 7, p. 1714
111-8-4a	New	V. 7, p. 1995
111-8-5		
through		
111-8-13	New	V. 7, p. 1634
111-9-1		
through		
111-9-12	New	V. 7, p. 1714-1716
111-9-13		
through		
111-9-18	New	V. 8, p. 300, 301
111-10-1		
through		
111-10-9	New	V. 8, p. 136-138
111-10-7	Amended	V. 8, p. 301

AGENCY 112: KANSAS RACING COMMISSION

Reg. No.	Action	Register
112-4-1		
through		
112-4-14	New	V. 8, p. 255-257
112-4-1	Amended	V. 8, p. 1244
112-4-1	Amended	V. 8, p. 1288
112-4-3	Amended	V. 8, p. 1245
112-4-3	Amended	V. 8, p. 1288
112-4-4	Amended	V. 8, p. 1245
112-4-4	Amended	V. 8, p. 1288
112-4-5	Amended	V. 8, p. 1246
112-4-5	Amended	V. 8, p. 1288
112-4-8	Amended	V. 8, p. 1246
112-4-8	Amended	V. 8, p. 1288
112-4-10	Amended	V. 8, p. 1246
112-4-10	Amended	V. 8, p. 1288
112-4-11	Amended	V. 8, p. 1246
112-4-11	Amended	V. 8, p. 1289
112-4-14a	New	V. 8, p. 1214
112-4-14a	New	V. 8, p. 1289
112-4-15	New	V. 8, p. 724
112-4-16	New	V. 8, p. 258
112-4-17	New	V. 8, p. 258
112-4-18	New	V. 8, p. 258
112-4-19	Amended	V. 8, p. 1214
112-4-19	Amended	V. 8, p. 1289
112-4-20	Amended	V. 8, p. 1246
112-4-20	Amended	V. 8, p. 1289
112-4-22	Amended	V. 8, p. 1246
112-4-22	Amended	V. 8, p. 1289
112-5-1		
through		
112-5-9	New	V. 8, p. 258-260
112-6-1		
through		
112-6-8	New	V. 8, p. 261-263

112-7-2		
through		
112-7-22	New	V. 8, p. 593, 594
112-7-2		
through		
112-7-22	New	V. 8, p. 641-648
112-8-2		
through		
112-8-12	New	V. 8, p. 263-267
112-8-3	New	V. 8, p. 596
112-8-3	New	V. 8, p. 725
112-8-9	New	V. 8, p. 596
112-8-9	New	V. 8, p. 725
112-9-2		
through		
112-9-38	New	V. 8, p. 726-737
112-9-39		
through		
112-9-41	New	V. 8, p. 1214-1216
112-9-39		
through		
112-9-41	New	V. 8, p. 1289
112-10-2		
through		
112-10-12	New	V. 8, p. 598
112-10-2		
through		
112-10-12	New	V. 8, p. 737-740
112-10-32		
through		
112-10-37	New	V. 8, p. 1246-1248
112-10-32		
through		
112-10-37	Amended	V. 8, p. 1289
112-11-1		
through		
112-11-19	New	V. 8, p. 594, 595
112-11-1		
through		
112-11-19	New	V. 8, p. 648-653
112-11-20	New	V. 8, p. 904
112-11-21	New	V. 8, p. 595
112-11-21	New	V. 8, p. 653
112-12-2		
through		
112-12-13	New	V. 8, p. 1007
112-12-2		
through		
112-12-13	New	V. 8, p. 1123-1126
112-13-2	New	V. 8, p. 596
112-13-2	New	V. 8, p. 267
112-13-3	New	V. 8, p. 598
112-13-3	New	V. 8, p. 740
112-14-2		
through		
112-14-10	New	V. 8, p. 1162-1164
112-14-2		
through		
112-14-10	New	V. 8, p. 1184, 1185

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-3-1	New	V. 8, p. 1160
115-3-1	New	V. 8, p. 1185
115-3-2	New	V. 8, p. 1160
115-3-2	New	V. 8, p. 1185
115-8-3	New	V. 8, p. 1161
115-9-6	New	V. 8, p. 1161
115-9-6	New	V. 8, p. 1185

AGENCY 116: STATE FAIR BOARD

Reg. No.	Action	Register
116-1-1	New	V. 8, p. 1191
116-1-1	New	V. 8, p. 1326
116-1-2	New	V. 8, p. 1191
116-1-2	New	V. 8, p. 1326
116-2-1	New	V. 8, p. 1191
116-2-1	New	V. 8, p. 1326

NOW AVAILABLE . . .

**CUSTOM-MADE
LOOSELEAF BINDERS
for the
KANSAS REGISTER**



We are pleased to announce that custom-made *Kansas Register* binders are now available!

These binders will hold your copies of the *Kansas Register* attractively for permanent use. They are highest quality, durable, casebound Swing Hinge® binders made by McBee Loose Leaf Binder Products. (A Swing Hinge® binder has more capacity and allows for easier interfiling than standard ring binders.) They feature dark blue cloth covering and gold imprinting. Each three-inch binder will hold up to a year's worth of *Register* issues.

Order your binders today!

***Kansas Register* binders . . . \$16.00 each includes shipping and handling.**

CLIP AND MAIL

Dear Secretary Graves: Please send _____ *Kansas Register* binders.
(Quantity)

Price: \$16.00 each, includes shipping and handling.

AMOUNT ENCLOSED \$ _____

SHIP TO:

Shipping is by
U.P.S. Delivery Service;
STREET ADDRESS
IS NECESSARY.

Mail order, with payment, to: *Kansas Register*, Secretary of State, State Capitol, Topeka, KS 66612-1594.

KANSAS REGISTER
Secretary of State
2nd Floor, State Capitol
Topeka, KS 66612-1594

Second Class
postage paid
at
Topeka, Kansas

**Use this form (or a copy of it) to enter a
SUBSCRIPTION**

_____ One-year subscriptions @ \$60.00 ea.
(Kansas residents must include
\$3.15 state and local sales tax)

Total Enclosed _____
(Make checks payable to Kansas Register)

SEND TO: _____
(Please, no
more than
4 address
lines.) _____

Zip code must be included

This space for Register office
use only, please

Code _____ Rec. No. _____
Expires _____ Entered By _____

Mail order, with payment, to: Kansas Register, Secretary of State, State Capitol, Topeka, KS 66612-1594

**Use this form (or a copy of it) for
CHANGE OF ADDRESS**

Remove your mailing label (above) and affix it here:

Indicate change or correction of name or
address here:

Mail to: Kansas Register, Secretary of State, State Capitol, Topeka, KS 66612-1594